

A New Argument on Abortion **Gregg Easterbrook**

**THE**

# NEW REPUBLIC

**Ian Buruma:**  
Günter Grass's  
Overworked  
Conscience

**Jeffrey Rosen:**  
America's  
Hypocritical  
Supreme Court

JANUARY 31, 2000

**THIS  
MAN  
IS  
NOT  
A**

**Republican**

**BY JONATHAN CHAIT**

#BXBKDML\*\*\*5-DIGIT 94301  
#TNR0000068171/5#70 12NOV01



009

RON K UNZ  
555 BRYANT ST #371 ZT  
PALO ALTO CA 94301-1704

\$3.50



0 787446 8

LICENSED TO UNZ.ORG  
ELECTRONIC REPRODUCTION PROHIBITED

**TRB:**

Margaret Talbot

# To BANISH HUNGER

*S*tarvation and disease threaten billions around the globe. Scientists are responding with a fervent search for more abundant, healthier, and economic crops. ♣ With its tradition of making the desert bloom, the Weizmann Institute of Science in Rehovot, Israel, pioneers innovative agricultural research projects. Using genes from wild wheats, Weizmann scientists have achieved dramatic improvements in the nutritional value of cultivated wheats. They developed seeds that produce disease-free potatoes, wilt-resistant tomato plants, and superior cucumber seeds now used worldwide. Plant geneticists, chemists and mathematicians are cooperating to strengthen crop resistance to damage from herbicides, viruses and fungi. And together with local experts, Weizmann researchers are fighting devastating weeds in Africa and the Middle East. ♣ The widespread food crisis is being fought by creative scientists with revolutionary new ideas. Public and private support has never been more urgent.

*For more than 50 years, we have marshaled support for the Weizmann Institute of Science in Israel. Its 2,500 scientists, engineers and scientists-in-training are fully engaged in a remarkable agenda of over 1,000 research projects to fight disease and hunger, create new technologies, protect the environment, and harness alternative sources of energy.*



AMERICAN COMMITTEE FOR THE WEIZMANN INSTITUTE OF SCIENCE

130 East 59th Street, New York, NY 10022

212/779-2500

[www.weizmann-usa.org](http://www.weizmann-usa.org)

# THE NEW REPUBLIC

*A Journal of Politics  
and the Arts*

WASHINGTON, D.C.  
JANUARY 31, 2000  
ISSUE 4,437

**EDITOR-IN-CHIEF AND CHAIRMAN**  
MARTIN PERETZ

**EDITOR**  
PETER BEINART

**Literary Editor**  
LEON WIESELTIER

**Executive Editor**  
NURITH C. AIZENMAN

**Senior Editors**  
JONATHAN COHN, MICHELLE COTTLE,  
GREGG EASTERBROOK, DAVID GRANN,  
JOHN B. JUDIS, ANDREW SULLIVAN,  
JAMES WOOD

**Legal Affairs**  
JEFFREY ROSEN

**Editor-at-Large**  
CHARLES LANE

**Managing Editor**  
JASON ZENGERLE

**Assistant Managing Editor**  
RUTH FRANKLIN

**Films:** STANLEY KAUFFMANN

**Theater:** ROBERT BRUSTEIN

**Poetry:** CHARLES WRIGHT

**Art:** JED PERL

**Architecture:** MARTIN FILLER

**Dance:** MINDY ALOFF

**Contributing Writers**  
MATTHEW MILLER, LEE SIEGEL

**New Republic Online**  
MARTIN EDLUND, JEREMY MCCARTER

**New Republic Books (Basic Books)**  
TIM BARTLETT

**Contributing Editors**  
FOUAD AJAMI, AKHIL REED AMAR,  
ELIOT A. COHEN, JEAN BETHKE ELSHTAIN,  
NATHAN GLAZER, ANTHONY GRAFTON,  
ANN HULBERT, TONY JUDT, MICKEY KAUS,  
MICHAEL KINSLEY, CHARLES KRAUTHAMMER,  
GLENN C. LOURY, SHERWIN B. NULAND,  
DAVID RIEFF, MICHAEL J. SANDEL,  
MAGGIE SCARF, RONALD STEEL,  
CASS R. SUNSTEIN, MARGARET TALBOT,  
E.V. THAW, MICHAEL WALZER,  
SEAN WILENTZ, ALAN WOLFE,  
ROBERT WRIGHT

**Contributing Artists**  
JACK COUGHLIN, VINT LAWRENCE,  
DAVID SCHORR

**Special Correspondent**  
ANNA HUSARSKA

**Associate Editor**  
JONATHAN CHAIT

**Consulting Art Director**  
JONATHAN HOUSTON

**Editorial-Corporate Coordinator**  
LAURA E. OBOLINSKY

**Production Director**  
BRUCE STEINKE

**Production Manager**  
HENRY RIGGS

**Assistant Editors**  
CARRIE CUNNINGHAM, KATIE ISENBERG,  
RYAN LIZZA

**Assistant to the Editor**  
SARAH WILDMAN

**Assistant Literary Editor**  
BRIAN PHILLIPS

**Assistant Poetry Editor**  
MELANIE REHAK

**Reporter-Researchers**  
NEGAR AKHAVI, JAKE HALPERN,  
BENJAMIN SOSKIS

**PUBLISHER**  
WILL LIPPINCOTT

**Director of Finance and Operations**  
CHRISTINA R. BONIFER

**Circulation and Marketing Director**  
SHANE G. BOEL

**Director of Advertising, West**  
JOAN STAPLETON TOOLEY

**Director of Advertising, Washington**  
NICHOLAS COSTON

**Director of Advertising, New York**  
ELLEN JARVIS

**Book Publishing Director**  
MELISSA LORD

**Marketing Manager**  
SHAUNAM K. SHARMA

**Circulation Manager**  
HOPE ROBERTS

**Accounting Manager**  
KIMBERLY HUSTAD

**Advertising Associate**  
SHANNEAL MYERS

**Advertising Coordinator**  
ANN ROSSAKI

**Accounting Assistant**  
BONNIE SCHWARTZ-WOLTMAN

**Circulation Assistant**  
KELLY SPRING

**Publisher's/Promotion Assistant**  
BRIAN CROH

**Back Issues and Reception**  
STEVEN DAVIS

- 4 **CORRESPONDENCE** George W.'s margin of error, CUNY's margin of hope, &c.
- 6 **MARGARET TALBOT** TRB: HOMESICK Elián González, now 40, looks back.
- 9 **THE EDITORS** CROSSING LINES What to do about the AOL-Time Warner merger.
- 10 **NOTEBOOK** Steve Forbes falls for big government, the NRA flirts with Bill Clinton, &c.
- 12 **BENJAMIN SOSKIS** RACE MAN Is John McCain employing a slavery apologist?
- 14 **RYAN LIZZA** EXTRA! The campaign finance violations you'll read about next year.
- 16 **MICHELLE COTTLE** CAMPAIGN JOURNAL: SMALL EXPECTATIONS Nobody in Iowa supports John McCain. How do we know? Because McCain keeps saying so.
- 20 **JEFFREY ROSEN** HYPERACTIVE The Supreme Court's conservatives sell their souls.
- 21 **GREGG EASTERBROOK** ABORTION AND BRAIN WAVES Science is revealing startling things about pregnancy—things that neither side of the abortion debate wants to know.
- 26 **JONATHAN CHAIT** THIS MAN IS NOT A REPUBLICAN The GOP establishment does not hate John McCain just because of campaign finance reform. They hate him because he is crafting a radical critique of almost everything they hold dear. That critique could blow up today's Republican Party, leaving something entirely different in its wake.
- 30 **STANLEY KAUFFMANN** ON FILMS: FROM HERE TO MATERNITY Pedro Almodóvar's *All About My Mother* is the work of an inspired filmmaker running low on inspiration; *The Hurricane* and *A Map of the World* feature standout performances.
- 31 **IAN BURUMA** THE TIN EAR *My Century* by Günter Grass; *The German Century* by Michael Stürmer
- 36 **ALAN WOLFE** THE HERMENEUTIC HOLE *Serving the Word: Literalism in America from the Pulpit to the Bench* by Vincent Crapanzano
- 40 **DAVID THOMSON** HOW FALSE WAS MY VALLEY *Print the Legend: The Life and Times of John Ford* by Scott Eyman
- 42 **CARL PHILLIPS** POEM *Preamble*
- 46 **ANDREW SULLIVAN** WASHINGTON DIARIST: PERSONAL QUOTE

On the Cover : Photo of John McCain by PETER BLAKELY/SABA

On the Web : [www.tnr.com](http://www.tnr.com)

THE NEW REPUBLIC, Vol. 222, Number 5, Issue 4,437, January 31, 2000. (Printed in the United States on January 19, 2000.) Published weekly (except for combined issues dated January 3, April 17 & 24, July 10 & 17, and August 28 & September 4, 2000) at 1220 19th Street, NW, Washington, D.C. 20036. Telephone (202) 331-7494. For advertising inquiries, please contact Ann Rossaki at (202) 331-7494 or Shannel Myers in our NY sales office at (212) 924-8700. Yearly subscriptions, \$59.94; foreign, \$99.94 (U.S. funds); Canada, \$79.94 (U.S. funds). Back issues, \$4.00 (includes postage & handling). © 2000 by The New Republic, Inc. (ISSN 0028-6583). Periodicals postage paid at Washington, D.C., and additional mailing offices. Rights and permissions: fax (202) 331-0275. Indexed in Readers' Guide, Media Review Digest, Microform, Canadian Periodical Index, CD-ROM, issue, and article copies are available through University Microfilms Intnl., 300 N. Zeeb Road, Ann Arbor, MI 48106. Telephone 1-800-521-0600. Postmaster: Send changes of address to The New Republic, P.O. Box 37298, Boone, IA 50037-0298. Member, Audit Bureau of Circulations. Unsolicited manuscripts can be returned only if accompanied by a self-addressed, stamped envelope (e-mail address: [tnr@aol.com](mailto:tnr@aol.com)). For subscription inquiries or problems call 1-800-827-1289 or visit our website at [www.tnr.com](http://www.tnr.com).

JANUARY 31, 2000 : 3

## Poll position

TO THE EDITORS:

A recent Notebook item compared a 1998 Voter News Service (VNS) Texas exit poll showing that George W. Bush received 49 percent of the Hispanic vote to two other surveys and concluded that the VNS poll was "almost certainly wrong" (December 27). Because it does not consider the methodology used by each of these polls or the nature of the Hispanic vote, your analysis is the one that is wrong.

TNR cited a survey from the William C. Velásquez Institute, which found Bush's share of the Hispanic vote to be 39 percent, and another by the political science department at the University of Texas at El Paso (UTEP), which put Bush's percentage at 37 percent. However, the Velásquez poll omitted areas with small Hispanic populations from its sample, and the UTEP poll was just a survey of El Paso, an area that is always less Republican than the rest of the state. The VNS exit poll, however, was taken from the entire state. In precincts that were at least 40 percent Hispanic, Bush received only 37 percent of the Hispanic vote, while in the rest of the state he received 57 percent of the Hispanic vote.

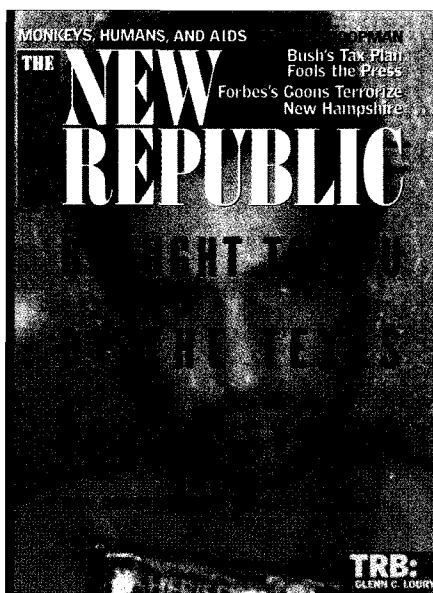
You referred to our sampling error as a "whopping eight percent" in comparison with the margins of error reported by the others, which were smaller. An exit poll is a sample of precincts and not a simple random sample of voters. Our calculation of sampling error takes into account this difference in survey design and produces a slightly higher number, while the other two surveys incorrectly assume the lower number as though they were dealing with a simple random sample. Given these considerations and assuming that the other two surveys were properly conducted, all surveys would be consistent with the conclusion that Bush's share of the Hispanic vote was in the mid-40s. The differences between the surveys reflect sampling error and the fact that Hispanics are not a monolithic voting block.

MURRAY EDELMAN  
Editorial Director  
Voter News Service  
New York, New York

## College try

TO THE EDITORS:

I am seriously concerned about your reference to the "destruction of the City College of New York" in your December 27 editorial ("Admitting Error"). I also take issue with your statement that a public university cannot retain top re-



search faculty when it moves toward open admissions.

The truth is quite the opposite. The City University of New York (CUNY), including the City College of New York (CCNY), is home to a substantial number of very distinguished scholars, including scientists as well as academics prominent in the social sciences and the arts. At CCNY alone, four faculty members have been selected for the prestigious National Academy of Sciences and three for the National Academy of Engineering. Recently, the New York City Partnership, the Chamber of Commerce, and nine of New York's academic medical institutions joined CUNY in a consortium to create the New York Structural Biology Center, which will be located on the CCNY campus and will house machines that employ high-field magnets used to study molecules, a highly coveted type of biomedical research.

CCNY has much to be proud of, but it is hardly the only CUNY campus at which high-quality research has been recognized. In recent years, Einstein Professor Dennis Sullivan of the graduate school received the Mayor's Award for Excellence in Science and Technology, and Jill Bargonetti of Hunter College earned the Presidential Early Career Award for Scientists and Engineers for her gene research related to breast cancer and AIDS. In addition, Edwin G. Burrows of Brooklyn College and Mike Wallace of John Jay College won the 1999 Pulitzer Prize for History with their book, *Gotham: A History of New York City to 1898*, a prodigious piece of research.

CUNY has, throughout this century, provided a path to upward mobility for the city's most disadvantaged students. This is

a source of great pride to our faculty and staff and reflects well on their commitment to urban public higher education.

LOUISE MIRROR  
Vice Chancellor for Academic Affairs  
The City University of New York  
New York, New York

TO THE EDITORS:

The exchange on affirmative action between Glenn C. Loury ("Admit It") and THE NEW REPUBLIC's editors is eloquent testimony to the ways minority students have been used as cannon fodder in the culture wars of public discourse.

Loury believes that admitting more minority students to selective institutions is a sufficient end in itself and that the "X percent" formula (four percent in California, ten in Texas, 20 in Florida) does the job. But the real gap in higher education lies not in admissions but rather in graduation. As a recently published Department of Education study showed, the X percent formula actually has a negative impact on the degree-completion rates of Latinos and doesn't help African Americans much. This is common sense: Take a kid with a 3.7 GPA from a rural Texas high school that doesn't even offer Algebra II and put him at the University of Texas at Austin, and you're just leading the lamb to slaughter. Without precollegiate outreach programs that provide full upper-level math courses, for example, to secondary-school students in disadvantaged areas, these students will be used and abused.

TNR's editors similarly misread the X percent formula. They automatically assume it means "lowering standards" and that high-quality faculty will flee the major public research universities. Where are they going to run to? What will happen instead is that the public systems of higher education in the affected X-percent-formula states will step into the secondary-school-education business. They will use community colleges to provide what the high schools do not provide; they will form after-school learning communities guided by faculty and graduate students. This is the real affirmative action, and our higher education systems know that their future depends on it.

CLIFFORD ADELMAN  
Senior Research Analyst  
U.S. Department of Education  
Washington, D.C.

TO THE EDITORS:

As a professor at a large public research university, I think the concerns expressed in your December 27 editorial on admissions to such universities represent a mis-

apprehension. As Glenn C. Loury points out in the same issue, admitting the top four or ten or 20 percent (depending on the relative size of the university systems) of high school graduates to state universities will largely admit the same students already being accepted.

Anyone involved in university admissions knows that SAT scores are only a rough measure of students' readiness to succeed in college; but, given the large numbers of applicants, almost all admissions decisions must be based on SAT scores and class rank. We know that black and Hispanic students average lower on the SAT than white students; we believe that they are not intrinsically less intelligent; therefore, we seek ways to enroll and encourage those who can succeed in the university. Admitting students at the top of their high school classes, regardless of their SAT scores, at least selects those who have shown desire and ability to learn in whatever high school they attended. Furthermore, the color-blindness of this policy is more politically acceptable than traditional affirmative action (and requires less work by admissions officers), and it helps white students from poor rural schools as well as minority students from poor urban schools.

Who loses under this policy? Students with good SATs but lower class rank in strong suburban schools (core constituencies for the Bush brothers). These students have other college choices available to them, and the public views their non-admission to state universities as a result of their failure to excel, not as a matter of race—an invaluable difference from present affirmative action policy.

THEODORE CHASE, JR.  
*Professor of Biochemistry  
Rutgers University  
New Brunswick, New Jersey*

## Missing passages

TO THE EDITORS:

In his article "The End of Aetiology" (December 27), Jerome Groopman misquoted my piece "Something Happened," which appeared in the December 2 *New York Review of Books*. In doing so, he distorted my arguments, and your readers might have come away with a very odd idea of what my article was about.

In my article I used the example of Dr. Opendra Narayan's work on the genetically engineered virus SHIV as a model to explain how HIV might have evolved from a benign primate virus in Africa, perhaps through the habitual reuse of hypodermic syringes. Though artificially engineered, SHIV is a real virus with genes very similar

to those of HIV and its primate precursors, which can infect and grow in monkeys. Why Groopman thinks experiments with SHIV such as Narayan's are necessarily irrelevant to the natural history of HIV is beyond me.

I used the example of SHIV to describe a principle of virus evolution: Viruses very often become more aggressive if they are rapidly transferred (or "passaged") from one organism to another during a short period of time. This "virulence through passaging" principle works according to Darwinian natural selection. It was first demonstrated by Louis Pasteur in the nineteenth century, when he was working with the rabies virus in rabbits. When he passaged the virus rapidly from rabbit to rabbit, it became more aggressive in each successive rabbit. Many other viruses behave this way in living organisms, including hepatitis, influenza, and, as Narayan showed, the SHIV virus. It has recently been shown that SIV, a monkey virus very closely related to HIV, also becomes more virulent when it is passaged rapidly through macaque monkeys. Given these results, I think it would be surprising if this "virulence through passaging" principle did not apply to HIV as well.

When Groopman quoted my piece, he deleted several paragraphs within the quoted matter without indicating that they were missing, a practice I would not have expected from him. These missing paragraphs were essential to my argument. The section he published was also taken out of context and gives a highly misleading—in fact, incomprehensible—impression of what I was trying to say.

HELEN EPSTEIN  
*New York, New York*

JEROME GROOPMAN REPLIES:

There is no question that passaging a virus can sometimes modify its behavior and yield a more aggressive strain. That is not the point here. The quotes taken from Helen Epstein's article accurately represent the information she marshals to explain how the monkey virus SIV could rapidly evolve into the human virus HIV. Rapid passaging could not explain the molecular distance between the two viruses. Further, the behavior of an artificially engineered hybrid strain is, to my mind, not the best choice of an example of evolution in nature. I went back and examined Dr. Opendra Narayan's published papers on the hybrid strain, and I remain convinced that the changes that occur upon passage in monkeys would not explain how SIV could rapidly transform into HIV in Africa. ■

# HARD GREEN

Saving the Environment  
from the Environmentalists

A CONSERVATIVE  
MANIFESTO

PETER HUBER

**HARD GREEN**  
is a remarkable  
indictment of environ-  
mentalism as we know  
it—and a passionate call  
for a robust, conservative  
and workable alternative.

"Peter Huber's  
brilliant exploration  
of the ideology of environ-  
mentalism takes the breath away by  
its ingenuity, intensity and  
polemical artistry. It is the  
richest contribution ever made  
to the greening of the political  
mind." —William F. Buckley, Jr.

**"Too many liberals  
ignore thoughtful  
conservatives.**

Don't make that mistake with  
Peter Huber. His new book may  
make you mad, but it will  
definitely make you reexamine  
your assumptions."  
—Charles Peters, Editor-in-Chief,  
*Washington Monthly*

Wherever books are sold  
**BASIC BOOKS**  
A Member of the  
Perseus Books Group  
[www.basicbooks.com](http://www.basicbooks.com)

# TRB

FROM WASHINGTON

## Homesick

IMAGINE FOR A minute that the anti-Castro militants in Miami get their way and, 40 years from now, Elián González is still on our side of the Strait of Florida. Imagine him as a restaurant owner, a car-wash attendant, a state senator—whatever you like—but middle-aged, with children of his own. Fidel Castro is long dead, and democracy has taken hold in Cuba. And some historian wants to know what Elián really wanted, and really felt, when he was a six-year-old cipher at the center of a political storm.

One place to look for clues is in the testimony of other Cuban children who, like Elián, were separated from their parents in the name of politics. Between December 1960 and October 1962, 14,000 unaccompanied children were sent out of Cuba as part of the so-called Pedro Pan Operation, run by the Roman Catholic Church in Miami. They arrived at the Miami airport, some as young as five, with notes pinned to their shirts: "My name is... Please be good to me." In most cases, their parents expected to join them in the United States within a few months. But, when the Cuban missile crisis halted commercial flights to and from Cuba, many of the children were consigned to years of foster care in orphanages, makeshift camps, and private homes from Brooklyn to Spokane.

In a 1999 book called *Operation Pedro Pan: The Untold Exodus of 14,048 Cuban Children*, Yvonne Conde, a journalist who was herself a Pedro Pan evacuee, collects these children's stories. In light of the González case, they make compelling reading—and the picture they paint of parental bonds swamped by cold war politics ought to give serious pause to anyone who wants to keep Elián here.

In Conde's own view, Operation Pedro Pan was a daring and justified crusade. After Castro shut down the Catholic schools, saw 1,000 students off to the Soviet Union, and announced a literacy campaign in which uniformed adolescent *brigadistas* would be dispatched to the countryside, middle-class Cuban parents had good reason, she argues, to fear for their children's futures and to try to pro-

tect them from indoctrination. As Conde sees it, the Pedro Pan children were rescued, and their rescuers were heroes.

Yet the stories the former evacuees tell belie this pleasing narrative: they are all stories of traumatic loss. Some of the children were sent to homes or orphanages in which they were physically or sexually abused. And even those who found their way into loving homes were deeply scarred. They had still, after all, been abruptly parted from their mothers and fathers, with the ironic result that a mission meant to preserve families from the power of an overweening state ended up tearing them asunder.

Some of the book's saddest passages are in the letters home, written in the guileless prose of bewildered children:

Dear Parents,

We want you to come soon, because they are going to send us to Philadelphia and we don't want to go. We cry every night because we miss you very much. We are living in a hospital in the beds of the sick and also with their bed linen.

Come anyway that you can, we are doing very badly here. The food is very bad and we don't want to be here anymore. We are asking you to please come. We are waiting for you. Your four children who love you, Gabriel, Eugenio, Josefina, and Adolfo.

As adults, many of the former Pedro Pan children still feel bereft today. A woman named Ileana Fuentes told Conde about the painful memories that washed over her when she sent her eleven-year-old daughter on a weeklong visit to cousins in another city. "I was on the other side of the glass [at the airport] and all the suffering of that separation, the anguish by default that I felt at that moment was so horrible that I spent the afternoon crying... In that moment I corroborated how traumatic this separation had been for me... And we have never been the same." One man wrote, simply, "I cannot complete the questionnaire. I am sorry. All of these memories cause me too much pain."

Of the 442 Pedro Pans who responded to Conde's survey (she found only about 1,000 of them), 70 percent said their experience was positive. But 33 percent said they would not send their own children away under the same circumstances. As Antonio Garcia, who came to the United States as a Pedro Pan and is now a 51-year-old car washer in Miami, told *The New York Times*, "Over all, it was a good thing, because it saved us from Communism. But I have told my mother, and I know it pains her, that I would never do to my own children, if I had them, what my parents did to me."

These sorrows, and the pledges that they provoke, should not surprise us. We have known at least since World War II and the pioneering work of Anna Freud, John Bowlby, and others that young children separated from their parents suffer deep and sometimes irreparable emotional damage. For sound development to take place, as Freud put it, a child's fundamental need for an "unbroken continuity of affectionate and stimulating relationships" must be met. Freud believed that the three-, four-, and five-year-olds she cared for at the Hampstead Nurseries during the war were more traumatized by what they saw as their desertion by their parents (who sent them there to keep them out of bombs' way) than they would have been even by the air raids themselves. "The child is frightened," she wrote, "and suspects that their desertion may be another punishment or even the consequence of his own bad wishes."

Indeed, though the parents who sent their children away to escape the blitz surely did so for the best of reasons—8,000 children who remained in London were killed by enemy bombs—virtually all of the former evacuees who called in to a recent British radio program answered the question "Would you do the same to your children?" with a resounding no.

Partly because of such evidence, we have, as a society, accepted the idea—which custody law embodies—that only grave physical or psychological jeopardy ought to override a child's right to remain with his parents (and his parents' right to remain with him). We have accepted that children are not shuttlecocks to be batted back and forth and that they thrive under steady and stable arrangements for their care. When politics, or tribal loyalties, cloud that insight, the results virtually never stand the test of historical scrutiny. We look at them later and wonder what even the best-intentioned of their perpetrators must have been thinking. The twentieth century is littered with cases in which "the best interests of the child" became synonymous with child-stealing in the name of some larger public good—usually one that doesn't look so good at all anymore. Think of the Aboriginal children forcibly removed from their families to be raised in orphanages or adopted by white families in Australia; think of the "orphan" trains stocked with city children sent to the rural West. In all of these cases, someone decided that children needed to be saved from a blighted or inferior environment more than they needed the love and care of a parent. Someone decided to treat children as a means, not an end. We know better now, don't we?

MARGARET TALBOT

# Let's Join Hands for Bipartisan Rx Coverage



Hi, I'm Flo! I want to thank the thousands of seniors who have written urging Congress to help seniors in need get Rx drug coverage — so all seniors can afford their medicines.

Washington is getting your message! There are new plans in Congress, some based on the work of the National Bipartisan Medicare Commission. Plans that help those who have private Rx coverage to keep it, and those who need it, to get it.

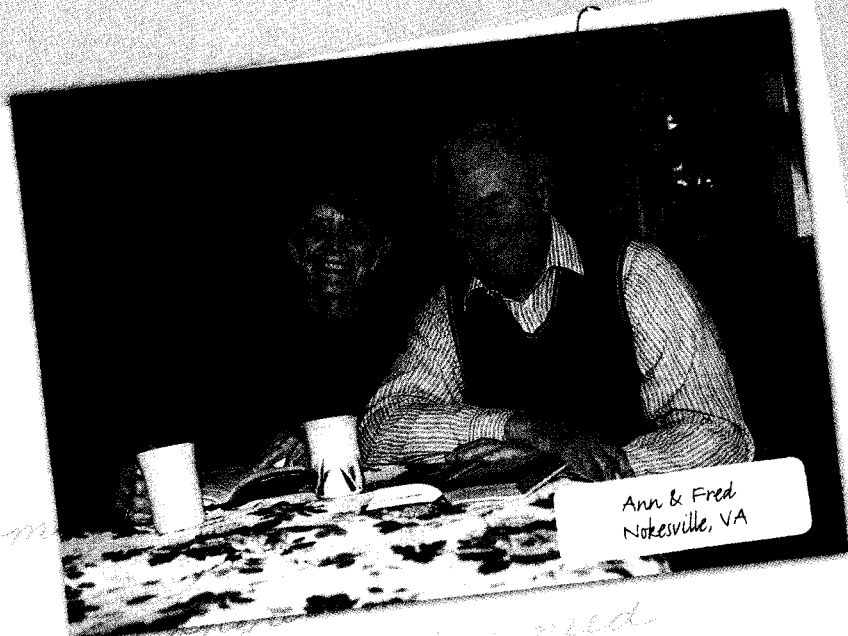
And concerned Democrats and Republicans in Congress are joining hands to support them.

But only the squeaky wheel gets the grease in Washington! Please keep urging your Member of Congress to join hands with Citizens for Better Medicare to support bipartisan plans for Rx coverage.

It's the best way to ensure seniors get the medicine they need and still keep Medicare financially sound.



*Paid for by Citizens for Better Medicare.*



*We should help seniors  
in need.*

*Flo, my medicines are affordable  
because I have Rx coverage —  
that's the solution!*

**Citizens  
for BETTER  
MEDICARE**

85,000 Members Nationwide  
and Growing

1 (800) 789-5630  
[www.bettermedicare.org](http://www.bettermedicare.org)



**In the race for life-saving medicines,  
partnership is the right prescription.**

Technology companies all over America are building on top of Microsoft® software, to create vital new products that benefit people everywhere.

For instance, Documentum, Inc.® uses Microsoft technology to build solutions that help pharmaceutical researchers manage large amounts of data and information. The end result: more medicines, created more efficiently, and more lives improved — even saved.



Today, Microsoft and thousands of technology companies like Documentum are working together, creating tools that empower businesses and people to learn, grow, and thrive. To learn more, visit us at [www.microsoft.com](http://www.microsoft.com).

**Microsoft®**

Where do you want to go today?®

© 2000 Microsoft Corporation. All rights reserved. Microsoft is a registered trademark of Microsoft Corp. Other products and company names mentioned herein may be the trademarks of their respective owners.



# Crossing Lines

**W**HEN AMERICA ONLINE bought Time Warner for \$183 billion in the largest corporate merger in history, everybody played to type. AOL Chairman Steve Case rhapsodized about the “unbelievable opportunity to really make a difference, not just in terms of the services people use but also

in terms of the kind of impact we can have on society.” Critics warned darkly of threats to freedom of the press: “With just a few media companies controlling the flow of information,” wrote Eric Alterman on *IntellectualCapital.com*, “who is left to speak truth to power?”

But lost in all the merger big think was the one issue about which government can actually do something: access to cable lines. Although most people now get on the World Wide Web via ordinary telephone lines, over the next decade most consumers will begin using high-speed broadband systems that use the cable lines that bring television into homes. The problem is that the public doesn’t own the cable lines on which broadband depends. Those lines are owned by private companies, and under current law companies can dictate which Internet providers use their lines—thus denying consumers a choice.

The largest beneficiary of this system has been AT&T, which controls about 60 percent of America’s cable lines and has required anyone who wants to use them to channel their Internet traffic through Excite@Home, of which AT&T owns a majority stake. Of course, if you don’t like AT&T’s practices you can take your business elsewhere, but if AT&T owns the only cable system in town, that means connecting very slowly through regular phone lines or very expensively through a special line like DSL.

Until the merger, AOL had been one of AT&T’s chief critics. As an Internet service provider and not a cable company, AOL had mainly sold its customers access to the Internet over phone lines. And, as more and more consumers began using cable to connect to the Internet—lines to which AOL lacked access—the company faced potential extinction. Not surprisingly, Steve Case spent much of the past two years demanding that AT&T provide open access to its cable lines to all Internet service providers. He applauded

cities like Portland, Oregon, that passed open-access laws, and called on the Federal Communications Commission (FCC) to make open access a national requirement. But AT&T denounced AOL for seeking a “free ride,” and the timid FCC refused to act, contending that the free market would one day solve the problem.

AOL eventually got the message. By purchasing Time Warner, Case acquired the second-largest cable company in America, and he now controls 20 percent of the

nation’s broadband lines, including New York City’s. Now AOL has a chance to put its principles into practice: Will it allow other Internet providers access to Time Warner’s cable lines, as AT&T did not? AOL executives, who face antitrust hearings in Congress and must win approval from the FCC and the Justice Department for their merger, promise they will. They insist that consumers who live in cities wired only by Time Warner will not face the same problem as those who live in cities wired only by AT&T.

But why should we take Case’s word for it? Far better for the government to make sure that cable owners don’t have the power to dictate the content that comes across our computer screens. There are two ways to do so. The first is for the Justice Department to rule against mergers between companies that provide content, like AOL, and companies that own the means to distribute content, like Time Warner. That would also mean barring AT&T’s mergers with cable giants TCI and Media One. And there is a precedent for this sort of action: the 1948 Supreme Court decision that forced movie companies to divest themselves of their theater chains. But it’s an extreme remedy. Dismantling AT&T alone would mean years of legal battles.

The second, more sensible response is for the FCC to require all cable companies to provide full and equal access to all Internet providers. AT&T claims that such a move would eliminate cable companies’ incentive to renovate their lines. But cable companies should have enough incentive from the access fees they charge their customers. In the end, nobody really knows what mergers like AOL and Time Warner’s will mean for the future of the press and the health of our democracy. But, while everyone worries about that, it might not be a bad idea for the FCC to insure that, whatever else happens in this brave new world, Americans can get decent Internet access at a fair price. ■

**AGRO-VATING II:** Last week we reported on the January 15 Iowa debate, where Al Gore and Bill Bradley frantically tripped over each other to display their devotion to preserving—no, expanding—the archaic and wildly inefficient federal subsidies for agriculture. But we had higher hopes for the Republicans. Surely they would display some commitment to the free-market principles they claim to hold so dear. Alas, they checked their principles at the state line. None of those bold free-marketeers questioned why the federal government should single out a specific industry for income support. Only one, John McCain (who isn't officially running in the Iowa caucus), attacked the absurd tax subsidy for ethanol, and he was quickly rebuked by his colleagues. Perhaps the most absurd rationale came from archcapitalist Steve Forbes, who declared, "Washington should certainly provide relief to family farmers, given the fact that the agricultural crisis today is largely made in Washington." Forbes is right that Washington has contributed to the farm crisis by paying people to stay in farming, thereby artificially keeping the supply of farm products too high. Therefore, it is bizarre, to say the least, to suggest that the remedy is *more* subsidies. Besides, a central tenet of Forbes's political philosophy—from the flat tax to abortion—is that Washington has made *everybody* worse off. Maybe we should subsidize the whole population.

**AND BAUER MAKES EIGHT:** And we thought Bill Bradley's Madison Square Garden fund-raiser, which cashed in on his supporters' hoop dreams to the tune of \$1.5 million, was ingenious. Now comes Gary Bauer, whose pro-life backers love babies, not basketball. So, on January 20, Bauer will hold a fund-raiser in Carlisle, Iowa, featuring Bobbi and Kenny McCaughey—the proud parents of the famous McCaughey septuplets. For \$25, Bauer supporters can meet the McCaughey parents at a hotel. And, for \$250, Bauer partisans gain entrance to the McCaugheys' 6,500-square-foot, specially-designed-for-seven-children home. The McCaugheys are revered among pro-lifers for their decision to refuse a doctor's advice to abort some of their seven children. But people like Bauer tend not to talk about the reason the McCaugheys had seven children in the first place—fertility drugs, which make a mockery of the Christian right's talk of natural birth and natural death. The septuplets' birth, you may remember, also required 40 doctors and nurses, which some might consider problematic in a country that is increasingly rationing access to health care. If any of Bauer's Republican opponents wanted to hit him on his indifference to America's health care crisis, the McCaughey fund-raiser might not be a bad occasion. We're not holding our breath.

**NO LAUGHING MATTER:** When John McCain recently joked with reporters that "the nice thing about Alzheimer's [disease] is you get to hide your own Easter eggs" and referred to the Leisure World senior-citizens home as "Seizure World," the Arizona senator was acting like a human being rather than the mindless automatons we've grown used

to seeing on the stump. And Citizens for Life, a New Hampshire affiliate of the National Right to Life Committee, isn't going to let him get away with it. The pro-life, anti-euthanasia, anti-infanticide (is there really anyone *for* infanticide?) group is running a radio ad blasting McCain for his "callous attempts at humor." Of course, Roger Stenson, the group's executive director, admits that his anger about McCain's stand-up routine stems in part from the senator's campaign finance reform legislation, which, by banning independent issue ads, supposedly clamps down on the free speech of organizations like Citizens for Life. "New Hampshire people cherish the freedom of speech," Stenson declared in a recent statement. "Whether a politician believes our opinions are positive or negative, we believe we have a right to express them." Ironical, then, that because Stenson doesn't find McCain's humor funny, he appears intent on undermining the potential for free—unscripted—speech by presidential candidates.

**PLAY ACTING:** Whenever the issue of gun control comes up, no matter what the situation, the National Rifle Association always gives the same response: enforce existing gun laws. After the Columbine massacre, for instance, NRA Vice President Wayne LaPierre dismissed calls for new gun-control efforts: "They want a new group of federal gun laws," LaPierre blustered, "when they don't even enforce the ones they have now." So you'd think the NRA would have been overjoyed on January 18, when President Clinton introduced a new \$280 million gun-control plan to beef up federal enforcement of existing gun laws. You'd be wrong. "I'm so cynical about these guys in this area," LaPierre griped after Clinton's announcement. "It's hard to respond." Other NRA officials were a bit more forthcoming. "The White House has stolen a page right out of the NRA playbook," said spokesman Jim Manown. So does that mean the NRA will use its lobbying clout on Capitol Hill to get Clinton's proposal through Congress? "We're not going to lobby on the Hill for a proposal we haven't seen," said Manown. "After all, it's their proposal." Whose playbook was that plan from, again?

**FAIR LENDING PRACTICES:** "Ethical foreign policy" may sound like an empty phrase, but when Chancellor of the Exchequer Gordon Brown used it on January 12 to describe Great Britain's decision to stop selling arms to the world's 63 poorest countries, it actually meant something. By stipulating that "Britain's export credits will only support productive investments that assist social and economic development and thus reduce poverty," Brown brought an end to the United Kingdom's shameful practice of giving poor countries loans to buy weapons. And, in so doing, he struck an important blow against the arms buildups that plague the Third World. What's more, weapons aren't the only purchases Britain will no longer subsidize. "Productive investment" means no more funding for personal yachts, presidential palaces, or other luxuries on which the dictators of impoverished countries tend to squander money. Britain hoped its bold move

would prompt other G-7 countries to follow suit, but that doesn't seem likely. Asked whether the United States, which leads the world in weapons sales, might adopt a similar initiative, a State Department official replied, "The U.S. Conventional Arms Transfer Policy currently takes into consideration the risk of adverse economic or political impact within the recipient nation and that nation's ability to support and appropriately employ the exported systems." For those who don't speak bureaucratese: That means no.

**BRAVE NEW WORLD:** Flip through the real estate ads in upscale magazines and you may encounter an ad for the ultraluxury cruise ship *The World*, under construction in Norway for a 2001 christening. That's right, we said the real estate section, not the travel section: *The World*, the ship's builders proclaim, will be "the world's first residential ocean liner." Its many decks are divided not into staterooms but apartments and homes of up to 3,250 square feet, boasting "every conceivable amenity." Naturally, you cannot book a

reservation on *The World*; you must buy a property—starting at \$1.9 million for the smallest unit—and your net worth must exceed \$5 million to be considered. The idea is that the very rich will live on *The World* as it endlessly sails the globe, timing its stops for Carnival week in Rio, the Cannes Film Festival in France, etc. Or, if you don't actually want to spend your life on an ocean liner, buy a property on *The World* as your vacation home. It will be yours year-round, you can get on and off as you please, and your identity line in *The New York Times* social coverage will say, "Lives in Manhattan, Sag Harbor, Key West, and aboard *The World*." And presumably, whenever you want, you can stand at the prow of the ship and holler, "I'm the king of *The World*!"

**DEPARTMENT OF CORRECTIONS:** A recent review of Andrew L. Shapiro's *The Control Revolution* ("Code Comfort," by Cass R. Sunstein, January 10) incorrectly listed the book's publisher as Perseus. *The Control Revolution* was published by PublicAffairs. ■

## V I N T ' S   W E E K



# No wonder McCain supports the Confederate flag.

## Race Man

By BENJAMIN SOSKIS

**L**AST WEEK, JOHN MCCAIN showed that even straight talkers have their limits. After initially responding to a question by calling the Confederate flag flying above the South Carolina state house a “symbol of racism and slavery,” McCain backtracked and, blatantly pandering, pronounced it a “symbol of heritage.” But, while McCain’s support for the Stars and Bars is disappointing, it’s not surprising. For one thing, without a victory in the South Carolina primary, McCain can’t possibly knock off George W. Bush. What’s more, given the neo-Confederate sentiments of the man spearheading his South Carolina campaign, the only real surprise is that McCain didn’t answer the Confederate-flag question with a full-throated rebel yell.

McCain’s top strategist in South Carolina is Richard M. Quinn, a savvy political consultant and the father of the state’s House majority leader. Quinn has advised some of South Carolina’s most prominent politicians; he has also ushered several previous presidential candidates—like Ronald Reagan in 1980 and Pat Robertson in 1988—through the prickly briars of South Carolina politics. But Quinn’s real claim to fame in the Palmetto State stems from his post as editor of *Southern Partisan*, a 20-year-old quarterly that serves as the leading journal of the neo-Confederacy movement.

Like the movement itself—which combines a nostalgic yearning for an agrarian past with a virulent antipathy for the liberals and blacks who want to remain in the present—*Southern Partisan*’s place on the ideological spectrum is a bit ill-defined. According to one reviewer, the journal is “to the right of *National Review* but to the left of the Klan.” But, if the nostalgia has prompted the grand old men of Southern thought and culture—men like Russell Kirk and Andrew Lytle—to contribute to *Southern Partisan*, the antipathy has attracted a very different breed of writer.

Indeed, scan the last 20 years of *Southern Partisan*, and, right alongside a recipe for “Nutty Sweet Potato Casserole” and genteel reflections on Hank Williams, you’ll find a gumbo of racist apologias. From a 1996 article comes the claim that “slave owners ... did not have a practice of breaking up slave families. If anything, they encouraged strong slave families to further the slaves’ peace and happiness.” In 1987 the magazine offered a vision of South African history straight from the apartheid-era textbooks: “God led [Afrikaners] into the Transvaal, it was with God that they made their prayerful covenant when they were besieged by bloodthirsty savages on all sides.” And in 1990 the journal celebrated David Duke as “a candidate concerned about ‘affirmative’ discrimination, welfare profligacy [sic], the

taxation holocaust ... a Populist spokesperson for a recapturing of the American ideal.”

Consider one of *Southern Partisan*’s most frequent contributors: Reid Buckley, William F.’s cantankerous and race-baiting brother, whose favorite themes include the dilution of America’s Anglo-Christian heritage and the perversity of homosexuality. Here’s a snippet from a 1984 Buckley column: “Negroes, Asians, and Orientals (is Japan the exception?); Hispanics, Latins, and Eastern Europeans; have no temperament for democracy, never had, and probably never will. ... It may be impolite and unpolitic to bring the subject up, but can our democratic system endure unless we close up the frontiers to peoples who are not ... predisposed to honor its assumptions?” And, in a 1986 article entitled “Rock Hudson,” Buckley suggests that “the terrible swift sword of the dread AIDS disease is surely what in other ages would be acknowledged as a sign of God’s wrath,” a just punishment of homosexuals for committing “the most repulsive desecration in the sexual order.”

Buckley isn’t *Southern Partisan*’s only dubious associate. Boyd Cathey, one of the magazine’s two senior advisers (the other is Pat Buchanan), was once a member of the editorial advisory committee for the *Journal of Historical Review*—a notorious purveyor of Holocaust denial. *Southern Partisan* recently praised Michael Andrew Grissom’s book *Southern by the Grace of God*, an unabashed Klan apology, calling it “the first modern Southern survival manual.” The book includes sentences like these: “No one can doubt the effectiveness of the original Ku Klux Klan. Without it we might never have shaken off the curse of the carpetbag/scalawag governments which bound us hand and foot.” Grissom returned *Southern Partisan*’s praise, calling it “a delightful magazine ... [that] ought to be in every high school library in the South.” Then there’s Sam Francis, the former *Washington Times* columnist who was demoted and later fired from the conservative paper in 1995 after he attempted to demonstrate the compatibility of Christian ethics and the promotion of slavery. Francis wrote the very same piece for *Southern Partisan*, where he has remained a contributor in good standing.

**Q**UINN CLAIMS THAT, while some of these views might be offensive to Northerners, in the South the magazine “is considered mainstream conservative.” When confronted with some of the more outrageous articles in *Southern Partisan*—articles like “Why I Will Not Denounce Southern Racism or American Imperialism” or a 1991 John Rockeresque rant in which the “Old-Stock” author, visiting New York, wonders “Where are the Americans?” for I met only Italians, Jews, Puerto Ricans—Quinn explains that *Southern Partisan* is an “opinion magazine” that publishes “provocative essays.” Moreover, he denies that as editor-in-chief he must agree with—or even be aware of—everything his magazine publishes. Indeed, Quinn tries to distance himself from some of the journal’s more notorious articles by claiming he no longer has as much of a day-to-day editorial role as he did in the past—a not-so-exculpatory defense, considering that the magazine seems to have toned down its rhetoric in recent years.

A CONCERT for the NATION and its PEOPLE

# AMERICA

MUSIC OF LIFE AND LIBERTY

On the Great Stage at

## AVERY FISHER HALL

Featuring the Vice President of the United States

### AL GORE

Narrating Aaron Copland's Beloved *Lincoln Portrait*

Along with Other Selections to Honor Our Great Nation

**Charles Ives:** Variations on "America"

**George Gershwin:** Second Rhapsody for Piano & Orchestra

**Randall Thompson:** Testament of Freedom (*text by Thomas Jefferson*)

**Duke Ellington:** Night Creature

**John Phillip Sousa:** The Stars and Stripes Forever

**William Steffe:** The Battle Hymn of the Republic (*text by Julia Ward Howe*)

**The American Symphony Orchestra**

**LEON BOTSTEIN, CONDUCTOR**

The New York City Gay Men's Chorus

Eric Lewis, piano • Wayne Escoffery, saxophone

## Monday, February 7th, at 8 P.M.



**This concert will benefit seven institutions aiming to fulfill the promise of America**

Center for Family Life-St. Christopher-Ottile: "Lifeline" Community Arts Project • Center for Children and Families:  
Woman to Woman • Roberto Clemente College Course Program • Harlem School of the Arts • New York Housing  
Authority Symphony Orchestra • MOUSE: Making Opportunities for Upgrading Schools and Education •  
New York City Gay and Lesbian Anti-Violence Project

**Tickets from \$18 to \$60**

**Call Centercharge at 212.721.6500 or visit the Avery Fisher Hall Box Office, Broadway at 65th St.**

McCain's campaign doesn't seem to know much about *Southern Partisan*, and it doesn't seem to want to know more. Howard Opinsky, a McCain spokesman, calls Quinn "a recognized and respected political adviser" whose "reputation is outstanding in the state." And he claims the campaign is unaware of the magazine's numerous egregious articles. In fact, he has never actually seen a copy of *Southern Partisan*. Now would be a good time to pick one up. ■

## The hottest campaign finance abuses.

# Extra!

By RYAN LIZZA

**A**BOUT A YEAR after every presidential election, stories chronicling the campaign finance violations of the previous campaign start appearing. It's a hallowed quadrennial ritual, but it has two problems. First, the stories appear long after they could make any difference. Second, the stuff that's actually legal often makes the violations look tame by comparison. So here's a guide to the abuses taking place as we speak.

Soft money—in the form of unlimited contributions from individuals and companies to political parties rather than to candidates—is, of course, the ozone-layer-size hole in the current campaign finance system. But the parties don't really start spending soft money until their nominees are more or less decided.

So, for the moment, the action rests with a host of lesser-known schemes. For instance, candidates aren't allowed to receive donations directly from corporations. They evade this by using corporate jets to fly to campaign events. Campaigns need only reimburse a plane's owner for the equivalent of a first-class commercial fare, which is a fraction of what it actually costs to run a private jet. The difference, in effect, amounts to a contribution. As of November, Bill Bradley had taken about 45 rides, mostly on jets owned by his supporters Allen and Company, a Wall Street investment firm, and Jordan Industries. John McCain has used the jets of BellSouth and Union Pacific, companies who have had business before his Senate Commerce Committee. (Neither Al Gore nor George W. Bush makes much use of corporate jets. Gore travels on government planes—which many deem an abuse in its own right—and Bush is rich enough to pay his own way.)

Candidates are also restricted to donations of up to \$1,000 per person. So they rely on "bundled contributions"—multiple individual donations that candidates get from the employees of a particular corporation and their families. There's nothing illegal about this, as long as donors aren't reimbursed by their firms or coerced into giving. And, because the money technically comes from individuals, candi-

dates can—as have Bradley and Gore—make a show of refusing to take money from PACs while still milking their corporate friends.

Bradley, whose 1990 Senate campaign ran afoul of the Federal Election Commission (FEC) for its close ties to a company that illegally reimbursed its employees for making donations, has received this campaign season's single biggest bundle: \$209,500 from Goldman Sachs executives and their family members. Gore has also received his fair share of cash bundles, including a \$123,000 contribution from employees of the accounting firm Ernst & Young. But the undisputed bundling king is Bush. He has enlisted 150 so-called Pioneers, each raising bundles of \$100,000. The Texas governor has even instituted a sophisticated system of codes for keeping track of every check that comes in—the better to know which corporation or lobbyist to thank.

Bush is also the only major candidate currently benefiting from another dubious loophole: issue ads run by third parties. As long as there is no coordination between a campaign and an issue-advocacy group and as long as the ads don't expressly advocate a candidate's election, third parties can spend as much as they want on ads without coming under the jurisdiction of the FEC. And those ads can be nearly identical to the ones run by candidates. Since April, Bush has benefited from about half a million dollars' worth of ads attacking Bradley, Gore, and Steve Forbes that were produced by the Republican Leadership Council (RLC), a group of moderate Republicans with ties to Bush. Forty-four of the RLC's 61 members are either financial backers of Bush or have publicly endorsed him, and Forbes has filed a complaint with the FEC insisting that the RLC is no more than a front for the Bush camp. Indeed, the FEC may well rule against George W.—long after the 2000 campaign is over.

**P**ERHAPS THE LEAST-KNOWN method for circumventing the \$1,000-per-person limit is to set up an obscure committee known as a General Election Legal and Accounting Compliance fund (GELAC). Candidates can establish a GELAC to cover the costs of complying with campaign finance laws, and donors are free to give an additional \$1,000 to this committee. Donors don't even need to know what a GELAC is for their funds to end up in one; candidates can deposit any contributions to their primary campaign committees that exceed the \$1,000 limit into their GELACS. In fact, a close look at the \$500,000 Bush collected for his GELAC through September shows that he essentially used the fund to sop up all the excess donations that flowed into his campaign. Although the GELAC is supposed to cover only compliance costs, candidates have used the funds to pay for all sorts of other campaign activities. In 1992, Clinton used GELAC funds to distribute *Putting People First* and to mail out promotional videos. Campaign finance watchdogs are expecting even more GELAC abuse this year. But others argue that the separate fund, even if it allows donors to double their contributions, is the best way to encourage candidates to comply with FEC rules.

While Bush has begun an aggressive GELAC fund-raising drive, most of his energy of late has been devoted to raising some \$5 million through an even newer loophole called a

# How to Buy a PublicAffairs Book

(or any good book, for that matter)

The book business is changing...and it's changing in good ways for people with interests beyond the bestsellers-of-the-moment. Good books like the ones PublicAffairs is publishing this winter sometimes used to be hard to find. But now there are a lot of ways to get the book you want:

**1. Ask at any bookstore.** All booksellers, small or large, can get you most books in a few days. It helps to know the title and author, but if you don't, ask anyway. A great bookseller can help you what you're looking for.

**2. Phone, fax, or e-mail.** You don't have to brave bad weather to get your book. Most stores these days can be reached in any number of ways. Make the trip another time, when you feel like browsing. Today, buy the book.

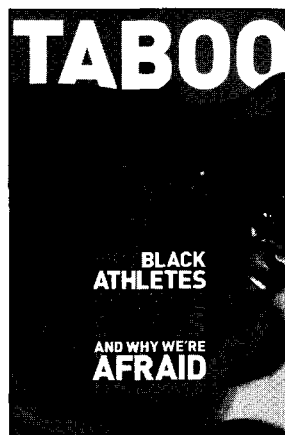
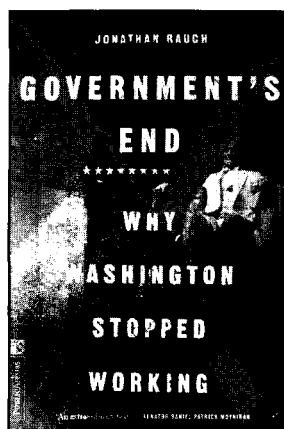
**3. Surf the web.** There are a burgeoning number of on-line bookstores, each with its own unique character. Just double-click to order.

**4. Contact us.** If it's a PublicAffairs book you want, we can guide you to the stores in your area that have it, or that will help you get it. Call us toll-free at 1-877-PUB-1234, or e-mail us at [publicaffairs@perseusbooks.com](mailto:publicaffairs@perseusbooks.com). Here are some of the good books we're publishing this winter. Ask for them!

## And in paperback

### *Government's End* Jonathan Rauch

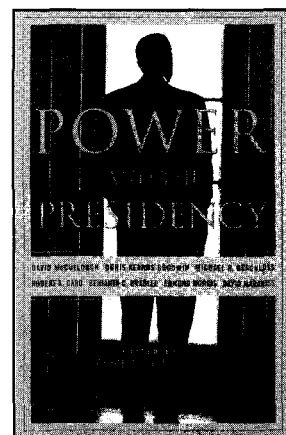
"Sophistication and wit...mark this excellent book from front page to last." —*Fortune*



### *Taboo* John Entine

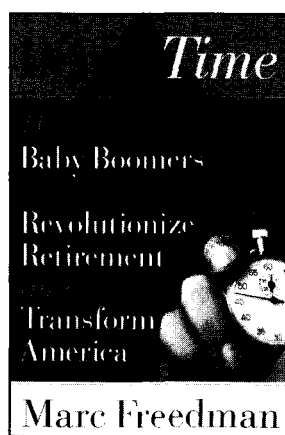
"Entine writes lucidly about a forbidden topic.... Courageous enough to ask questions...forthright enough to present hard evidence."

—*Kirkus Reviews*



### *Power and the Presidency* Edited by Robert A. Wilson

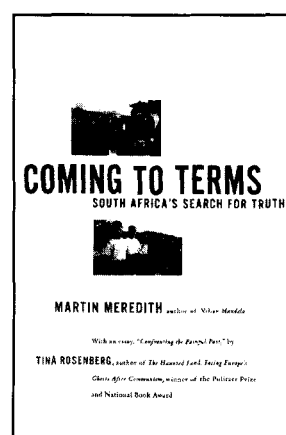
Fascinating essays on 20th century presidents by Robert Caro, Doris Kearns Goodwin, David McCullough, Edmund Morris, and others.



### *Prime Time* Mark Freedman

"Essential reading for all of us committed to rejuvenating civic life in America today."

—*Bill Bradley*



### *Coming To Terms* Martin Meredith With An Essay by Tina Rosenberg

"This searing overview of atrocity and resistance raises issues for readers everywhere about reparations, amnesty, and justice." —*Booklist*

You can buy it anywhere. Just ask.

A MEMBER OF THE PERSEUS BOOKS GROUP

**PUBLICAFFAIRS**

For more information about our books, visit us on the Web at [www.publicaffairsbooks.com](http://www.publicaffairsbooks.com), or call toll-free 1-877-PUB-1234 to receive free copies of our catalog and audiocatalog.

"state victory fund committee," which can accept \$25,000 in soft money—as opposed to \$1,000 in hard money—per donor. In his use of this loophole, Bush is in virgin territory; no candidate has ever done this before. Though it's coordinated by Bush campaign staffers and volunteers, the Bush victory fund raises money and then doles it out to state Republican parties in 20 key primary states, which will spend that money to help the GOP presidential nominee and other Republicans in the general election. In other words, the Bush campaign will get its money back as long as Bush makes it to the general election.

Bush has had so much success with tactics like these that he's forsworn federal matching funds—and the spending limits that accompany them. But even those candidates who do take federal money find ways of evading the accompanying restrictions. Take, for example, Bradley's spending in Iowa, where candidates are supposed to cap their expenditures at \$1.1 million for the entire nominating season. According to a rival campaign, Bradley has spent \$1.6 million in the state on advertising alone, which would seem to bust the cap. But, because of byzantine FEC rules, Bradley is able to report only a tiny part of that \$1.6 million as an Iowa expenditure. The first step is to cut that \$1.6 million in half, because the FEC allows candidates to write off 50 percent of all expenditures as fund-raising costs, even if the spending has nothing to do with raising money. The next step is finding out the percentage of out-of-state viewers who will see the ads. Bradley can subtract that percentage from the advertising he buys from each TV station. Another way to get around the cap is to pay for things in nearby states. With this technique in mind, some point suspiciously to the fact that last year Bradley allocated more than 100 times as much money in Illinois, which borders Iowa, as in Indiana, which does not.

Candidates go to even greater lengths to get around the spending caps in tiny New Hampshire. Through January 17, the Bradley campaign spent \$353,000 on ads in New Hampshire and \$2.3 million on ads in Massachusetts. Why Massachusetts? Because the Boston TV market covers parts of New Hampshire, and the FEC allows the candidates to count just 17 percent of the cost of the commercials—the proportion of New Hampshire viewers—toward the caps. Meanwhile McCain, presumably bumping up against spending caps in both New Hampshire and Massachusetts, has recently started targeting New Hampshire voters with ads aired from Portland, Maine. Gore, who launched a Massachusetts-based ad blitz aimed at New Hampshire voters this past week, has also taken advantage of the loophole.

And it doesn't stop there. In November, after an inquiry by the Bradley campaign, the FEC said that direct-mail costs didn't count toward the spending caps at all as long as materials were mailed 28 days before a state's primary. Iowa and New Hampshire were promptly deluged with such mailings. Rather than a campaign expense, the FEC considers direct mail a "fundraising exemption." Indeed, "fundraising exemption" isn't a bad way of characterizing America's entire decrepit presidential campaign financing system—a system so shot through with exemptions that it barely stops candidates from doing anything anymore. It just makes them more duplicitous about how they do it. ■

# Campaign Journal Small Expectations

By MICHELLE COTTLE

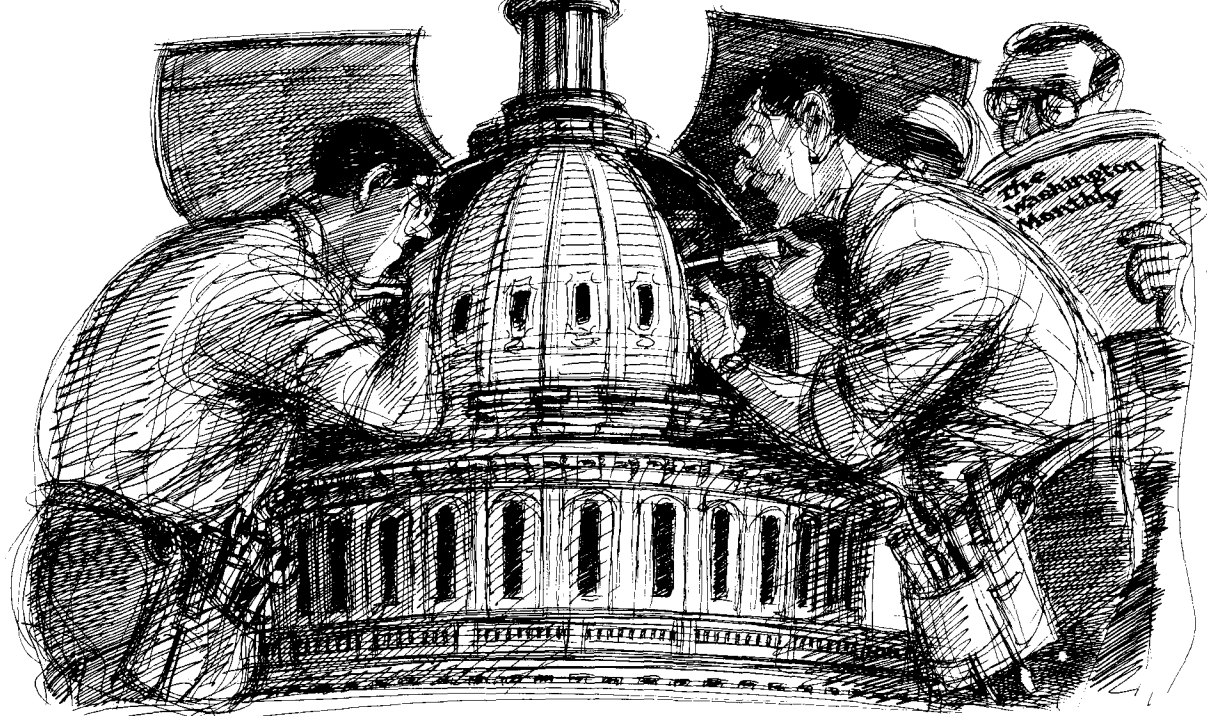
DES MOINES, IOWA

ATTORNEY JOAN BOLIN wants everyone to know that she is not working for Senator John McCain's presidential campaign. No siree. Absolutely not. Sure, she clips local news articles for the McCain staff and, from a tiny home office just off her kitchen, helps with the logistical details of the campaign's rare Iowa visits. She arranges for volunteers to shuttle the senator's entourage around town. She meets campaign officials at the airport and accompanies them to debates. She introduces McCain to other area supporters and stands nervously by while the media grills him at press conferences. But she most certainly does not work for the campaign. "There *is* no campaign in Iowa," Bolin asserts, emphatically and often.

Bolin does, however, perform a rather unusual service for the McCain team. As the campaign's (unofficial) Iowa liaison, one of her main jobs is to make sure there are no signs of organized support in her state for the Arizona senator—in other words, to deny that people like herself exist. That's because success in early presidential primaries and caucuses is largely a matter of how well a candidate does relative to how the chattering classes thought he'd do. Votes are nice, but expectations are everything. Thus, Steve Forbes, having spent multiple millions organizing support in podunk hamlets throughout Iowa, must now finish no more than ten points behind front-runner George W. Bush in the caucus in order to "win." McCain, on the other hand, by announcing that he isn't competing in Iowa (and, for good measure, launching a full-frontal assault on ethanol subsidies), insists that any support at all represents a victory, since it's entirely unsolicited.

As a result, McCain 2000 is pioneering something new in American politics: the anti-campaign. When Republican competitors complained that McCain staffer Brian Kennedy, a former chairman of the Iowa GOP, was mass e-mailing potential supporters throughout the state, the campaign insisted Kennedy was doing so in a purely "freelance" capacity. In December, when Knight Ridder obtained a memo, apparently from inside the McCain camp, outlining plans for organizing supporters at Iowa colleges, the campaign professed total ignorance. Now, terrified that the media will accuse them of conducting a stealth campaign, staffers at McCain headquarters deny any knowledge of even unofficial supporters in the state. "We're not running a campaign in Iowa," Rebecca from the press office chirps, explaining why she can't put me in touch with any McCain-friendly Iowans.

# Capitol Repair Kit



While Washington burns with partisan rhetoric, we cool the air with clear-headed, innovative solutions to some of the nation's most unyielding problems. And we have fun doing it. **The Washington Monthly** explores the quirks, cons, and paralysis that too often underpin American politics—then we offer a sensible way out. *The New York Observer* says we are the magazine “to which anyone who gives a damn about this country must subscribe.”



## SUBSCRIBE NOW AND SAVE!

☐ YES! Enter my subscription for a full year (10 issues) to **The Washington Monthly** for only \$29.95.

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

☐ Payment enclosed ☐ Bill me later

Charge my ☐ VISA ☐ MasterCard

Credit Card # \_\_\_\_\_ Exp. \_\_\_\_\_

**The Washington Monthly**

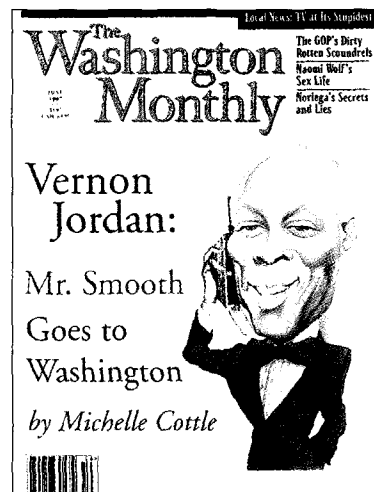
Box 587

Mount Morris, IL 61054

For Canadian and other foreign subscriptions add \$7. Please remit U.S. funds.

**A0102**

“... holds up a deadly accurate mirror to the Washington political culture, exposing its hypocrisies, stupidities, and unexpected triumphs.” — *Michael Beschloss*



Being a McCain supporter in the Hawkeye State is a bit like being a CIA operative: the home office can neither confirm nor deny your existence.

As it turns out, an anti-campaign requires almost as much work as a regular campaign. The morning of the January 15 Iowa debate, stacks of MCCAIN 2000 signs and stickers lie scattered throughout Bolin's house. Bolin made the stickers on her computer in preparation for the debate—as a way to identify the volunteers who are carting the staff around town. “But,” she explains, “the campaign asked me not to hand them out.” Similarly, one of the young volunteers driving the McCain vans had planned to bring other young McCain fans to the debate. Bolin told him not to. The tiny band of McCain supporters who do attend the event are scrupulously devoid of McCain paraphernalia. There isn't a McCain sign, bullhorn, or banner to be found amid the circus of supporters cavorting outside the debate. To the hundreds of media folk and political watchers gathered here, it might appear that not a single person in Iowa supports McCain. Victory!

The polls tell a different story. One conducted in December by the University of Iowa showed McCain gaining ground on Forbes, raising the possibility that the senator might finish, if not second in the caucuses, at least a close third. But rising poll numbers raise the media's expectations, which is dangerous to an anti-campaign. So Bolin repeatedly insists that McCain will finish behind not only George W. and Forbes but also conservative gadflies Gary Bauer and Alan Keyes. Asked at the post-debate spin session what he would consider a win in Iowa, McCain immediately offers, “Half a percent.” At this rate, the campaign will soon be insisting that Iowans don't just not support McCain, they loathe him. How long before McCain's press people are airdropping flyers reminding Iowans of the candidate's role in the Keating Five?

For McCain's Iowa supporters, all this discouragement takes a toll. Doug Hogan is one of two dozen college-age kids who signed up on McCain's website back in the fall and remain in fairly regular contact with the campaign. Since then, Hogan says he's stayed in touch with one of McCain's volunteer student coordinators, who grew up in Iowa. In addition to receiving weekly e-mail updates from the campaign, Hogan and the other McCain youths maintain their own e-mail correspondence. “We've seen about trying to get people down to debates, to actually have people standing outside with McCain signs, and to come up with other ideas on how to get word out,” he explains. Still, Hogan is clearly disappointed. You almost get the sense that he thinks the McCain folks are embarrassed by him. “I guess there's this fear that if we try to do something in Iowa and it doesn't work out, we'll wind up looking bad,” he mumbles.

**I**F MCCAIN'S IOWA supporters consider their allegiance a dangerous secret, Forbes's backers are proselytizers run amok. At the January 15 debate, hundreds of them descend upon the TV station where the event is being held, laden with FORBES 2000 stickers, buttons, t-shirts, and quadruple-decker campaign signs stapled to giant wooden stakes. They coalesce in great clumps along the roadside, chanting and brandishing

their signs in a convincing imitation of a deranged mob.

The Forbes folks are even more terrifying one-on-one. As debate time nears, a huge block of them move toward the front door of the station, jockeying for real estate with a slightly smaller collection of Bushies. I make the crucial mistake of strolling through the area, only to be accosted by an earnest, thirtysomething Forbes follower with the vague air of a Jehovah's Witness: neat clothes, neat hair, polite manner, and that light in the eyes that says, “I want to share my testimony with you.” Gently but insistently, the man quizzes me on my political beliefs—even after I explain that I'm there only as an observer—and meets my attempted dodges with follow-ups like “Exactly which of Forbes's positions do you not consider moderate?” I edge slowly away, only to be ambushed by another Forbes fan, this one more lunatic than missionary. “Why *haven't* you made up your mind yet?” the gray-haired crusader barks when I decline to express a candidate preference. “What are you waiting for?” he rants, grinning wildly. “Are you waiting for more taxes? Are you waiting for us to give the rest of the country away like we did the Panama Canal to China? Are you waiting for the government to tell you how to do everything, including go to the bathroom?” I can't help myself: “Are you sure you're not an Alan Keyes supporter?” I ask.

With the caucuses looming, the Forbes campaign is in high gear, blanketing Iowa with 30-second TV spots and 15-minute infomercials featuring warm and fuzzy photo montages from the candidate's youth and insipid interviews with his family members. Meanwhile, Forbes's traveling road show crisscrosses the state, bringing loud music, refreshments, and campaign tchotchkes to the masses. By the eve of January 24, it is entirely possible that every man, woman, and child in Iowa will have received at least one free meal or t-shirt from Candidate Forbes.

To some extent, McCain's and Forbes's Iowa strategies reflect the broader, and seemingly counterintuitive, path each has chosen. Forbes, the ostensible outsider, has constructed the model of a conventional campaign, relying on a blizzard of TV spots and carefully staged events. McCain, a Beltway insider, is relying on his maverick persona and the goodwill of the media. Forbes reveals nothing to the press, doggedly staying on message; McCain lets it all hang out, consequences be damned.

But, differences aside, Forbes and McCain are tacit allies in their shared quest to halt the coronation of Prince George. Each challenger believes he is the only candidate ultimately capable of derailing the Bush juggernaut, but each could use some early help in breaking the front-runner's stride. Forbes, who figures he's the only candidate with the money (and the compelling message, of course) to stay with Bush until the convention, could benefit were McCain to bloody George W. in New Hampshire. McCain, on the other hand, might benefit if Forbes kept Bush from running away with the race in Iowa. Of course, it would be even better for McCain if he finished a close second in the caucuses. But that's unlikely. After all, the senator couldn't even find Iowa on a map. And Iowans aren't his sort of people anyway. It'll be a miracle if he gets 100 votes there. Even ten would be an accomplishment. Really. ■



# Strong stuff

**TALK ABOUT EXPLOSIVE.** Talk about *The New Republic*: the award-winning journal of opinion that takes you beyond the news of politics, culture, and the arts, to the debates, dialogues, and didactics. And now we have a bold new look from cover to cover. Check it out. Subscribe now. Just fill out the attached coupon, send it in, and grab the magazine that has influenced America, its leaders and policymakers for 85 years. *The New Republic* — the most powerful opinion magazine around. And that's a fact.

**THE NEW  
REPUBLIC**

**America's Preeminent Journal of Opinion**

Visit our Web site at <http://www.thenewrepublic.com>

## How the right learned to love judicial activism.

# Hyperactive

By JEFFREY ROSEN

**L**AST WEEK, THE Supreme Court heard arguments in a constitutional challenge to the Violence Against Women Act. On the same day, the justices announced that Congress lacks the power to authorize individuals to sue states for violating the Age Discrimination Act. Both cases show that the five conservative justices have started down the road toward a full-scale confrontation with Congress that has no logical stopping point. In the process, they have turned themselves into the mirror image of the judicial activists whom they have spent their careers attacking.

After languishing in Congress during the last years of the Bush administration, the Violence Against Women Act was passed in 1994 in the wake of Nicole Brown Simpson's murder. The question before the Supreme Court is whether Congress has the power to give the victims of "gender-motivated violence" the right to sue their attackers in federal court. (State courts already guarantee this right, allowing Nicole Simpson's parents to sue O.J. Simpson for civil damages.) The Constitution authorizes Congress "to regulate Commerce . . . among the several States," and Congress, after weighing its options, concluded that the commerce clause provides the most convincing constitutional basis for the Violence Against Women Act. Specifically, in the early '90s, the House and Senate heard extensive testimony that violence against women has a substantial effect on interstate commerce. Corporate managers, for example, testified that battered women were less productive workers and might be afraid to take jobs involving nighttime travel.

Although the effects of violence against women on interstate commerce are open to question, Congress's careful consideration of the issue would have been enough to persuade the deferential Supreme Court for most of the twentieth century. Between 1937 and 1995, the Court refused to strike down a single law on the grounds that Congress had exceeded its power to regulate interstate commerce, no matter how remote the interstate effects in question—even in cases involving backyard wheat farming or racial discrimination in Southern motels. This long period of judicial restraint was defended by liberals and conservatives alike who objected to the way the Court, during the Progressive and New Deal eras, had second-guessed the political branches by stretching and extrapolating from the constitutional text. In 1995, however, for the first time in nearly 60 years, the Supreme Court struck down an act of Congress, the Gun-Free School Zones Act, holding that its effects on interstate commerce were too remote. Rejecting the argument that the mere possession of guns in school might affect children's education in a way that would harm their future

productivity as adults, the Court announced that Congress can only regulate economic activities that "substantially affect" interstate commerce.

**A**RMED WITH THIS legal test, the five conservative justices—William Rehnquist, Antonin Scalia, Clarence Thomas, Anthony Kennedy, and Sandra Day O'Connor—now seem poised to strike down the Violence Against Women Act (although O'Connor, as always, reserves the right to change her mind). Violence against women is not an economic activity or an instrumentality of commerce, the argument goes, and, even if gender-motivated violence affects the economic activities of women within a state, its effects on interstate commerce aren't substantial enough to pass constitutional muster.

But, if the Supreme Court strikes down the Violence Against Women Act on that basis, it will call into question scores of other federal laws and embolden states-rights judges on lower courts to declare war on Congress. The Endangered Species Act, for example, regulates violence against animals, many of whom don't engage in interstate travel. Will it soon be unconstitutional for Congress to prohibit shooting a puma for sport in a national park?

In a harbinger of things to come, the U.S. Court of Appeals for the Fourth Circuit has refused to enforce certain federal environmental laws, such as the Clean Water Act's protection of wetlands, in cases where the wetland has no obvious effects on interstate commerce. (A federal appeals court in Chicago was recently forced to hear testimony about how many migratory birds used a wetland and how many interstate birdwatchers they enticed.) Even more absurdly, the U.S. Court of Appeals for the Eighth Circuit recently refused to enforce a federal electricity regulation on the grounds that only states have the power to regulate electricity that doesn't cross state lines. If the courts get back in the business of policing the eighteenth-century distinction between interstate and intrastate commerce in the age of the Internet, when even the most local activities have national and international economic effects, the resulting chaos could make the New Deal crisis look quaint.

In his thoughtful concurring opinion overturning the Violence Against Women Act, Chief Judge J. Harvie Wilkinson III of the U.S. Court of Appeals for the Fourth Circuit candidly conceded that the ruling amounted to "judicial activism," the vice that most conservative judges can't bring themselves to acknowledge. But Wilkinson argued that, unlike the decisions of the 1920s and '30s, which single-mindedly favored capital over labor, the activist decisions of the current era "display no pattern of favoritism" toward a particular constituency but instead are "unfavorable to a variety of interests" in their efforts to enforce the structural principles of federalism. But this distinction isn't entirely convincing. In striking down symbolic federal laws that criminalize activities already regulated by the states—guns in schools, violence against women, age discrimination, and religious discrimination—conservative judicial activists are declaring war on the well-organized (and generally liberal) identity-politics constituencies that

appeal to bipartisan majorities in Congress. The wisdom of these laws is open to question, but the wisdom of laws is not the province of the courts.

In searching for meaningful limitations on Congress's power to regulate interstate commerce, the conservative justices can at least claim to be strictly construing the constitutional text. But, in its decision holding that Congress lacks the power to authorize individuals to sue states for violating the Age Discrimination Act, the Court has abandoned any pretense of strict construction. The text of the Constitution says that states can't be sued by citizens of other states in federal court; but the conservative justices have expanded this into an amorphous and historically incoherent doctrine that the "dignity" of states prohibits them from being sued by their own citizens in federal court. In the process, the justices have also imperiously expanded their own power, holding that only the Court, rather than Congress, has the power to decide what sort of discrimination violates the Constitution.

These "sovereign immunity" decisions may ultimately provoke an even more powerful backlash against the Court than a decision striking down the Violence Against Women Act. As a result of last week's decisions, Congress now appears to lack the power to authorize individuals to sue state agencies not only for violating the Age Discrimination Act but also for violating the Americans with Disabilities Act and the Equal Pay Act and for engaging in other forms

of discrimination—including certain types of sexual harassment—that, in the Court's view, don't amount to a constitutional violation. And the economic implications could be equally disruptive. Last July, for example, the Court held that individuals can't sue state agencies or universities for patent violations. This means that if researchers at a laboratory run for profit by the University of California at Berkeley steal the patented software of their competitors in Silicon Valley, the competitors have no legal remedy.

For most of the twentieth century, conservative critics of judicial activism argued convincingly that Congress deserves deference from the courts regardless of whether the political branches make good decisions. Congress, conservatives insisted, deserves deference because there are plausible arguments on both sides of most political questions. And, in the face of uncertainty, elected officials rather than unelected judges should be given the benefit of the doubt, because if the people disagree, they can vote the politicians, but not the judges, out of office. The most startling quality of today's conservative judicial activists is not only the unself-conscious hypocrisy with which they are abandoning the judicial philosophies on which they have staked their careers. It is also their overconfidence and lack of humility—as they blithely substitute their own policy judgments for those of Congress, the president of the United States, and even the states in whose name they claim to speak. ■

---

**What neither side wants you to know.**

# Abortion and Brain Waves

By GREGG EASTERBROOK

**N**O OTHER ISSUE in American politics stands at such an impasse. Decades after *Roe v. Wade*, the abortion debate remains a clash of absolutes: one side insists that all abortions be permitted, the other that all be prohibited. The stalemate has many and familiar causes, but a critical and little-noticed one is this: Public understanding has not kept pace with scientific discovery. When *Roe* was decided in 1973, medical knowledge of the physiology and neurology of the fetus was surprisingly scant. Law and religion defined our understanding, because science had little to say. That is now changing, and it is time for the abortion debate to change in response.

Quietly, without fanfare, researchers have been learning about the gestational phases of human life, and the new information fits neither the standard pro-choice position nor

the standard pro-life position. As far as science can tell, what happens early in the womb looks increasingly like cold-hearted chemistry, with the natural termination of potential life far more common than previously assumed. But science also shows that by the third trimester the fetus has become much more human than once thought—exhibiting, in particular, full brain activity. In short, new fetal research argues for keeping abortion legal in the first two trimesters of pregnancy and prohibiting it in the third.

This is a message neither side wants to hear. But, as the Supreme Court prepares to take up the abortion issue for the first time in nearly a decade, new fetal science may provide a rational, nonideological foundation on which to ground the abortion compromise that currently proves so elusive. And, curiously enough, by supporting abortion choice early in pregnancy while arguing against it later on, the science brings

us full circle—to the forgotten original reasoning behind *Roe*.

Many religious interpretations today hold that life begins when sperm meets egg. But this has not always been so; until 1869, for example, the Catholic Church maintained that life commenced 40 days after conception. Derived from interpretation rather than from Scripture—the Bible says nothing about when the spark of life is struck—the notion that sacredness begins when sperm meets egg hinges on the assumption that it is God's plan that each act of conception should lead to a baby.

**B**UT NEW SCIENCE shows that conception usually does not produce a baby. "The majority of cases in which there is a fertilized egg result in the non-realization of a person," says Dr. Mabelle Seibel, a reproductive endocrinologist at the Boston University School of Medicine. What exists just after conception is called a zygote. Research now suggests that only about half of all zygotes implant in the uterine wall and become embryos; the others fail to continue dividing and expire. Of those embryos that do trigger pregnancy, only around 65 percent lead to live births, even with the best prenatal care. The rest are lost to natural miscarriage. All told, only about one-third of sperm-egg unions result in babies, even when abortion is not a factor.

This new knowledge bears particularly on such controversies as the availability of "morning after" birth-control pills, which some pharmacy chains will not stock. "Morning after" pills prevent a zygote from implanting in the uterine wall. If half of all fertilized eggs naturally do not implant in the uterine wall, it is hard to see why a woman should not be allowed to produce the same effect using artificial means.

More generally, the evidence that two-thirds of conceptions fail regardless of abortion provides a powerful new argument in favor of choice in the early trimesters. Perhaps it is possible that God ordains, for reasons we cannot know, that vast numbers of souls be created at conception and then naturally denied the chance to become babies. But science's new understanding of the tenuous link between conception and birth makes a strong case that what happens early in pregnancy is not yet life in the constitutional sense.

Yet, if new science buttresses the pro-choice position in the initial trimesters, at the other end of pregnancy it delivers the opposite message. Over the past two decades it has become increasingly clear that by the third trimester many fetuses are able to live outside the mother, passing a basic test of personhood. Now research is beginning to show that by the beginning of the third trimester the fetus has sensations and brain activity and exhibits other signs of formed humanity.

Until recently most physicians scoffed at the idea of fetal "sentience." Even newborns were considered incapable of meaningful sensation: until this generation, many doctors assumed that it would be days or weeks before a newly delivered baby could feel pain. That view has been reversed, with the medical establishment now convinced that newborns experience complex sensations. The same thinking is being extended backward to the third-trimester fetus.

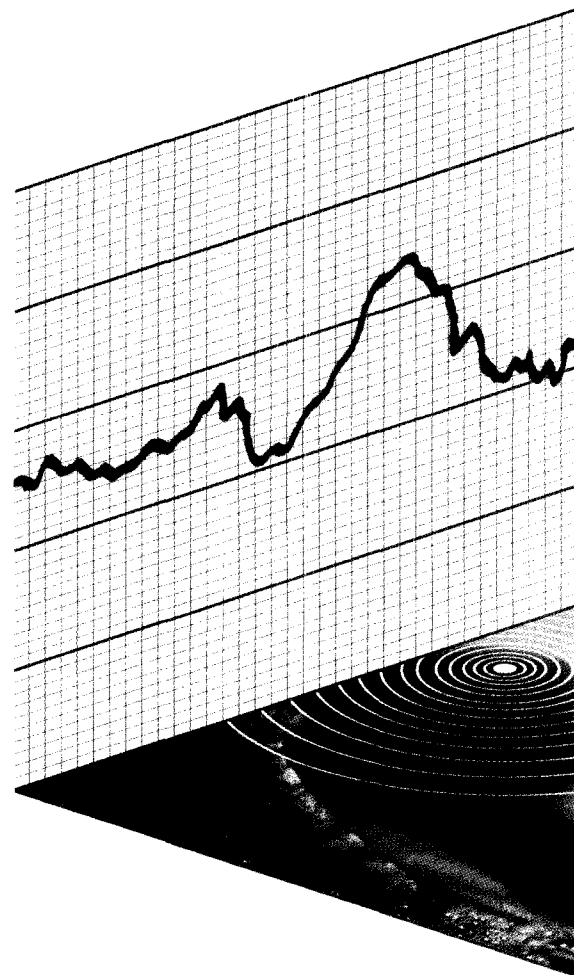
Over the past decade, pediatric surgeons have learned to

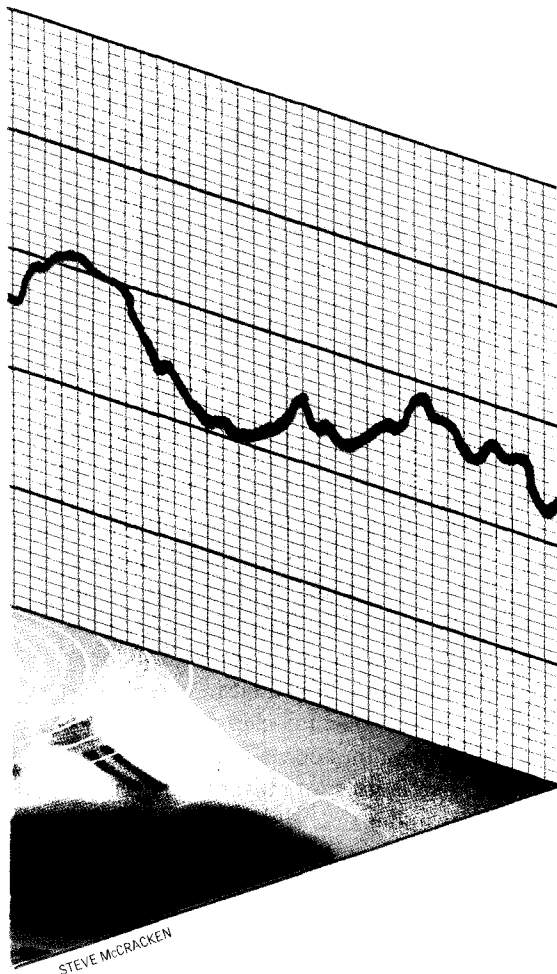
conduct within-womb operations on late-term fetuses with correctable congenital conditions. As they operated within the womb, doctors found that the fetus is aware of touch, responds to sound, shows a hormonal stress reaction, and exhibits other qualities associated with mental awareness. "The idea that the late-term fetus cannot feel or sense has been overturned by the last fifteen years of research," says Dr. Nicholas Fisk, a professor of obstetrics at the Imperial College School of Medicine in London.

Most striking are electroencephalogram (EEG) readings of the brain waves of the third-trimester fetus. Until recently, little was known about fetal brain activity because EEG devices do not work unless electrodes are attached to the scalp, which is never done while the fetus is in the womb. But the past decade has seen a fantastic increase in doctors' ability to save babies born prematurely. That in turn has provided a supply of fetal-aged subjects who are out of the womb and in the neonatal intensive care ward, where their EEG readings can be obtained.

EEGs show that third-trimester babies display complex brain activity similar to that found in full-term newborns. The legal and moral implications of this new evidence are enormous. After all, society increasingly uses cessation of brain activity to define when life ends. Why not use the onset of brain activity to define when life begins?

Here is the developmental sequence of human life as sug-





gested by the latest research. After sperm meets egg, the cells spend about a week differentiating and dividing into a zygote. One to two weeks later the zygote implants in the uterine wall, commencing the pregnancy. It is during this initial period that about half of the “conceived” sperm-egg pairings die naturally. Why this happens is not well-understood: one guess is that genetic copying errors occur during the incipient stages of cellular division.

The zygotes that do implant soon transform into embryos. During its early growth, an embryo is sufficiently undifferentiated that it is impossible to distinguish which tissue will end up as part of the new life and which will be discarded as placenta. By about the sixth week the embryo gives way to the fetus, which has a recognizable human shape. (It was during the embryo-fetus transition, Augustine believed, that the soul is acquired, and this was Catholic doctrine for most of the period from the fifth century until 1869.) Also around the sixth week, faint electrical activity can be detected from the fetal nervous system. Some pro-life commentators say this means that brain activity begins during the sixth week, but, according to Dr. Martha Herbert, a neurologist at Massachusetts General Hospital, there is little research to support that claim. Most neurologists assume that electrical activity in the first trimester represents random neuron firings as nerves connect—basically, tiny spasms.

The fetus’s heart begins to beat, and by about the twentieth

week the fetus can kick. Kicking is probably a spasm, too, at least initially, because the fetal cerebral cortex, the center of voluntary brain function, is not yet “wired,” its neurons still nonfunctional. (Readings from 20- to 22-week-old premature babies who died at birth show only very feeble EEG signals.) From the twenty-second week to the twenty-fourth week, connections start to be established between the cortex and the thalamus, the part of the brain that translates thoughts into nervous-system commands. Fetal consciousness seems physically “impossible” before these connections form, says Fisk, of the Imperial College School of Medicine.

At about the twenty-third week the lungs become able to function, and, as a result, 23 weeks is the earliest date at which premature babies have survived. At 24 weeks the third trimester begins, and at about this time, as the cerebral cortex becomes “wired,” fetal EEG readings begin to look more and more like those of a newborn. It may be a logical consequence, either of natural selection or of divine creation, that fetal higher brain activity begins at about the time when life outside the mother becomes possible. After all, without brain function, prematurely born fetuses would lack elementary survival skills, such as the ability to root for nourishment.

**A**T ABOUT 26 weeks the cell structure of the fetal brain begins to resemble a newborn’s, though many changes remain in store. By the twenty-seventh week, according to Dr. Phillip Pearl, a pediatric neurologist at Children’s Hospital in Washington, D.C., the fetal EEG reading shows well-organized activity that partly overlaps with the brain activity of adults, although the patterns are far from mature and will continue to change for many weeks. By the thirty-second week, the fetal brain pattern is close to identical to that of a full-term baby.

Summing up, Paul Grobstein, a professor of neurology at Bryn Mawr University, notes, “I think it can be comfortably said that by the late term the brain of the fetus is responding to inputs and generating its own output. The brain by then is reasonably well-developed. But we still don’t know what within the fetal brain corresponds to the kind of awareness and experience that you and I have.” The fetus may not know it is a baby or have the language-ordered thoughts of adults. But Grobstein points out that from the moment in the third trimester that the brain starts running, the fetus can experience the self/other perceptions that form the basis of human consciousness—since the womb, to it, represents the outside world.

In 1997, the Royal College of Obstetricians and Gynecologists, Britain’s equivalent to a panel of the National Academy of Sciences, found that, because new research shows that the fetus has complex brain activity from the third trimester on, “we recommend that practitioners who undertake termination of pregnancy at 24 weeks or later should consider the requirements for feticide or fetal analgesia and sedation.” In this usage, “feticide” means killing the fetus the day before the abortion with an injection of potassium that stops the fetus’s heart, so that death comes within the womb. Otherwise, the Royal College suggests that doctors anesthetize the fetus before a third-trimester termination—because the

fetus will feel the pain of death and may even, in some sense, be aware that it is being killed.

**I**F A WOMAN'S life is imperiled, sacrificing a third-trimester fetus may be unavoidable. But the American Medical Association (AMA) says late-term abortions to save the mother's life are required only under "extraordinary circumstances"; almost all late-term abortions are elective. In turn, the best estimates suggest that about 750 late-term abortions occur annually in the United States, less than one percent of total abortions. (An estimated 89 percent of U.S. abortions occur in the first trimester, ethically the least perilous time.) Pro-choice advocates sometimes claim that, because less than one percent of abortions are late-term, the issue doesn't matter. But moral dilemmas are not attenuated by percentages: no one would claim that 750 avoidable deaths of adults did not matter.

On paper the whole issue would seem moot, because Supreme Court decisions appear to outlaw late-term abortion except when the woman's life is imperiled. But in practice the current legal regime allows almost any abortion at any time, which turns out to be a corruption of *Roe*.

In its 1973 opinions in *Roe* and a companion case called *Bolton*, the Supreme Court established an abortion hierarchy: during the first trimester, there would be essentially no restrictions; during the second trimester, states could regulate abortion, but only to insure that procedures were carried out by qualified practitioners; during the third trimester, states could prohibit abortion, except when necessary "to preserve the life or health of the mother." (In abortion law, the Supreme Court sets ground rules, but states enact the regulations; Congress can sometimes intervene.) *Roe*'s third-trimester standard was considered largely theoretical, because in 1973 doctors were generally unable to perform safe late-term abortions. That would change.

*Roe* was premised on the idea that the Constitution protects medical privacy, an important concept in law for everyone, not just women. But even constitutional rights may be regulated, as, for example, libel laws regulate free speech. *Roe* did not grant an unqualified privilege: it held that a woman's claim to make her own medical choices is strong in the first trimester of pregnancy, moderate in the second, and weak in the third, at which point the state acquires a "compelling" interest in the protection of new life. The court's inclination to permit abortion in the first two trimesters and all but ban it in the third was both morally defensible and helpful to physicians and regulators, because the beginning of the third trimester can be objectively determined within a week or so. Whatever one thinks of the legal reasoning in *Roe*—the opinion is sometimes attacked even by liberal scholars for its shaky use of precedent—its attempts at rights-balancing are a model of conscientious jurisprudence.

The problem is that *Roe*'s third-trimester protections were brushed aside by two descendant Supreme Court cases, *Danforth* in 1976 and *Colautti* in 1979. *Danforth* tossed out *Roe*'s clear, comprehensible third-trimester distinction and substituted a "viability" standard so vague it was impossible to make heads or tails of it. Unlike the third trimester, which can be objectively delineated, viability is subjective. Some

babies are viable at the biological frontier of 23 weeks; others die even if carried to term; there is no way to know in advance. *Danforth* went so far as to prohibit states from drawing clear lines at the third trimester—that is, it forbade states from using the logic of *Roe*.

Three years later, *Colautti* essentially said that, since no one could understand *Danforth*, it would henceforth be up to each woman's physician to determine whether a fetus was viable and thus legally protected. Here a misjudgment was poised atop an error, given that no doctor can ever be sure that a fetus is viable. Since the person making the determination may also perform the abortion, all a physician has to do under *Colautti* is hazard a guess that the fetus is not viable, and a late-term abortion may proceed. There is no accountability for, or review of, the physician's judgment. And, if an abortion occurs, no disproof of the doctor's judgment is possible, since the chance of viability ends.

The blurry viability standard was reinforced in the 1992 Supreme Court case called *Casey*. Again the Court appeared to outlaw late-term abortion, saying that a viable fetus should be constitutionally protected. But it rejected bright-line definitions of the onset of life, specifically forbidding states to employ the third trimester as a clear, enforceable standard. Instead the Court cryptically declared that viability confers protection "whenever it may occur"—medically close to meaningless, since there is no sure means to determine viability. Under *Casey*, as under *Colautti*, it is the abortion provider who deems whether a third-trimester fetus is viable, which makes almost any late-term abortion permissible. That is the status quo today.

**C**ASEY APPEARED TO grant states the authority to restrict late-term abortion so long as they do not "unduly" burden women seeking early abortions. Thirty states proceeded to enact third-trimester restrictions, but most of these have been struck down, either for being too vague to enforce or for containing Trojan-horse language meant to erode *Roe* itself.

Recently, some states have opted for legislation intended solely to prevent a form of late-term abortion called D&X, in which delivery is induced, the fetus is partly born, feet first, and then the skull is crushed and the brains vacuumed out. There is no moral distinction between aborting a late-term fetus via D&X and doing the same via the D&E procedure, in which death occurs within the womb: either both are defensible or neither is. (See "Sideshow," by Jeffrey Rosen, November 29, 1999.) Yet D&X is undeniably barbaric. The AMA has recommended that its members not perform this procedure, adding that "there does not appear to be any identified situation" in which it is required for the health of the mother. In many nations, the technique is unthinkable: Fisk, of the Imperial College School of Medicine, notes, "I've never known a respectable physician who has done a D&X."

This fall, the U.S. Court of Appeals for the Seventh Circuit upheld a Wisconsin statute that prohibited D&X abortion but allowed D&E. (The opinion was by my brother Frank, an appellate judge, who had no connection to the writing of this article.) Editorialists declared that, for the first time, a federal court had "banned" late-term abortion, though the deci-

sion did nothing of the kind—it simply found that Wisconsin could regulate types of late-term procedures, so long as women retained the rights delineated under *Roe*. Also this fall, the U.S. Court of Appeals for the Eighth Circuit overturned a Nebraska law that restricted D&X but made no provisions for threats to the life of the mother. Faced with conflicting opinions among the appellate circuits, the Supreme Court said last week that it would hear the late-term abortion issue again, setting the stage for the first important abortion ruling of this generation.

Meanwhile, each year since 1995, Congress has enacted legislation to restrict late-term abortion, and each year President Clinton has either vetoed or threatened to veto it. During the sequence of votes and vetoes, each side has gone out of its way to make itself look bad. Pro-life members of Congress have proposed absolute bans that make no provision for protecting the life of the mother, which undermines their claim to revere life. Senator Diane Feinstein of California, in what was surely one of the all-time lows for American liberalism, brought to the Senate floor a bill intended to affirm a woman's right to terminate a healthy, viable late-term fetus. Both sides have opposed a reasonable middle ground. In 1996, for example, Representative Steny Hoyer of Maryland, a liberal Democrat, offered a bill to ban late-term abortions except when necessary to avert "serious adverse health consequences" to the woman. Rather than rally around this compromise, pro-lifers and pro-choicers mutually assailed it.

In 1997, the AMA declared that third-trimester abortions should not be performed "except in cases of serious fetal anomalies incompatible with life," meaning when the fetus appears fated to die anyway. The AMA supports *Roe*, backs public funding of abortions, and favors availability of RU-486; it simply thinks that, once a fetus can draw its own breath, a new life exists and must be protected. The AMA declaration had a strong influence on centrists such as Democratic Representative Tim Roemer of Indiana, who has called the D&X procedure "inches from infanticide," and Senate Minority Leader Tom Daschle, who in 1997 switched from supporting late-term abortion to opposing it.

Daschle offered a bill that would have prohibited third-trimester abortions except to avoid "grievous injury" to the mother and would have required any physician performing a late-term abortion to certify that the fetus was not viable. Under pressure from pro-choice lobbyists, Clinton offered only tepid, pro forma support for the Daschle bill. Pro-life activists rallied against it, asserting that the "grievous injury" clause could justify abortions based upon a woman's mental rather than physical health. Gridlock has prevailed since.

**T**HE ISSUE OF mental health is an example of how absolutist thinking cripples both pro-life and pro-choice advocacy. Pro-life forces find it repugnant that a woman might be allowed to terminate a pregnancy to preserve her emotional state, yet it is fair to assume that no man will ever understand the mental-health consequences to a woman of unwanted motherhood. Conversely, pro-choice theory concerns itself only with a woman's mental health during pregnancy, not afterward. A woman who carries an unwanted

child to term and then offers the baby for adoption may suffer physical and psychological hardship and social opprobrium—but, for the rest of her life, her conscience will be clear. Pro-choice absolutism takes no account of the mental health of the woman who aborts a viable child and then suffers remorse for an act she cannot undo.

If women's health and freedom represent the blind spot of the pro-life side, the moral standing of the third-trimester fetus—the baby, by that point—is the blind spot of pro-choicers. Pro-choice adherents cite the slippery slope, but that apprehension is an artifact of lobbying and fundraising, not of law. Clinton, reflecting the absolutist line, has said that late-term abortion is "a procedure that appears inhumane" but that restrictions "would be even more inhumane" because they would lead to the overturning of *Roe*. For those who know what's actually in *Roe*—a trimester system whose very purpose is to allow early choice while protecting late-term babies—this claim is more than a little ironic.

Women are right to fear that political factions are working to efface their rights. Late-term abortion is simply not the ground on which to stage the defense—because, unless the mother's life is at stake, late-term abortion is wrong.

**I**T IS TIME to admit what everyone knows and what the new science makes clear: that third-trimester abortion should be very tightly restricted. The hopelessly confusing viability standard should be dropped in favor of a bright line drawn at the start of the third trimester, when complex fetal brain activity begins. Restricting abortion after that point would not undermine the rights granted by *Roe*, because there is no complex brain activity before the third trimester and thus no slippery slope to start down. Scientifically based late-term abortion restrictions would not enter into law poignant but unprovable spiritual assumptions about the spark of life but would simply protect lives whose humanity is now known.

To be sure, restrictions on late-term abortion would harm the rights of American women, but the harm would be small, while the moral foundation of abortion choice overall would be strengthened by removing the taint of late-term abortion. By contrast, restrictions on early abortions would cause tremendous damage to women's freedom while offering only a hazy benefit to the next generation, since so many pregnancies end naturally anyway. There are costs to either trade-off, but they are costs that a decent society can bear.

Western Europe is instructive in this regard. In most European Union nations, early abortion is not only legal but far less politically contentious than it is here. Yet, in those same countries, late-term abortion is considered infanticide. All European Union nations except France and the United Kingdom ban abortion in the third trimester, except to save the mother's life. And, even where allowed, late-term abortion occurs at one-third the U.S. rate. Western European countries have avoided casting abortion as a duel between irresolvable absolutes. They treat abortion in the first two trimesters as a morally ambiguous private matter, while viewing it in the third trimester as public and morally odious. We should follow their lead. All it requires is knowledge of the new fetal science and a return to the true logic of *Roe*. ■



ROB BABONI

# This man is not a

an unconventional character with conventional, conservative views.

So why do many on the right now regard him as an ideological alien, a traitor, even—the vilest of all epithets—a Clintonite? In the words of conservative columnist Robert Novak, “McCain is no longer a conventional Republican who has defied party orthodoxy on the single issue of fund-raising.” McCain “spent the fall trying to show how much he agrees with Bill Bradley on campaign finance reform and seems determined to spend the winter showing how much he agrees with Al Gore on taxes,” said one of George W. Bush’s flacks. Another Bushie declared that McCain “sounds a lot like Al Gore and the Democrats.” This is not just campaign spin—the conservative press has sounded the alarm, too. *Wall Street Journal* columnist Paul Gigot compared a statement by McCain to one by the Democratic

National Committee and concluded, “Can’t see much difference? Well, that’s the point.” A *Washington Times* editorial fumed, “Mr. McCain’s [tax] plan is far more Clintonesque than Reaganesque, no matter how much he seeks to dress it up in conservative rhetoric.”

By JONATHAN CHAIT

SOMETHING STRANGE IS happening to John McCain. For a long, long time, he was a pretty typical conservative. Sure, his style was eccentric—he made impolitic remarks about his own party and pointed out the hypocrisies on both sides of the aisle. And, sure, he broke with the GOP leadership on a couple of high-profile issues—campaign finance reform, tobacco taxes. McCain’s truth-telling and his war against soft money made him a hero to the liberal press. But, as David Grann argued in these pages last spring (“The Hero Myth,” May 24, 1999), it was a strange sort of love affair, based on the media’s willful ignorance of McCain’s real beliefs. As Grann noted, McCain received a zero rating from the liberal group Americans for Democratic Action, and in 1996 he voted with his party 93 percent of the time. He voted to impeach President Clinton and supported every item in the Contract with America. He fought efforts to raise the minimum wage and opposed protections for gays and lesbians. In short, he was

Conservatives are convinced that McCain is no longer one of them. And they are right. The John McCain who today barnstorms the country seeking votes does not believe the same things as the man who dutifully represented his constituents in conservative Arizona for 17 years. What began as an isolated heresy on campaign finance is metastasizing into a full-scale assault on the principles that define what it means to be a Republican today. A year ago, all that was at stake in McCain’s presidential candidacy was his ambition and his personal narrative. Today, his battle with George W. Bush has become the most ideologically important Republican contest in two decades.

McCain’s most obvious heresy can be summed up in a single word: class. It has been an article of deep conservative faith, at least since Ronald Reagan, that what is good for the rich cannot be bad for the poor. In fact, helping the rich is usually the best way to aid the poor, since, as *The Wall Street Journal* recently put it, “the members of society most essential to driving the engines of prosperity are those

facing the top marginal rate.”

So imagine the reaction when McCain began to charge that “sixty percent of the benefits from Bush’s tax cuts go to the wealthiest ten percent of Americans” and that, by contrast, “I’m not giving tax cuts for the rich.” “Prominent conservatives who back John McCain,” writes Novak, “were stunned.” A Bush aide responded by accusing McCain of “class warfare”—a conservative term of art for any argument that suggests that different income groups have different interests.

The seriousness of McCain’s apostasy can be seen in the fact that even Representative Lindsey Graham, his leading backer in South Carolina, admitted to NBC’s Tim Russert that McCain was treading on dangerous ground. But McCain, instead of backtracking, compounded the offense. At a GOP debate in Grand Rapids, Michigan, McCain confronted the class-warfare charge head-on. “I am deeply concerned about a kind of class warfare that is going on right now—it’s unfortunate—there’s a growing gap between the haves and have-nots in America, and that gap is growing and it is unfortunately divided up along ethnic lines.” In the right-wing mind, class warfare, by definition, is committed *against* the rich; it cannot be committed *by* them. McCain’s use of the term to describe the opposite phenomenon shows just how perverse his thinking has become.

McCain’s own tax-cut plan, while giving nearly all its benefits to the wealthiest two-fifths of taxpayers, is radically pro-

surplus that derives from excess Social Security taxes and use it to reduce the debt. This would allow them to use the rest of the surplus for tax cuts without opening themselves up to the charge that they are endangering Social Security.

McCain would also use the Social Security surplus to pay down the debt. But he goes further, taking most of the remaining surplus—money that his colleagues want to use for tax cuts—and giving it to the Social Security trust fund as well. McCain’s plan, in other words, acknowledges the trade-off between tax cuts and Social Security: every dollar in lost tax revenue leaves one dollar fewer for Social Security benefits. If the decision is framed this way, voters—who cherish Social Security above all else—will certainly opt for a smaller tax cut. McCain’s Republican critics understand that his plan, by focusing on saving Social Security, undermines the case for tax cuts. And it is the primacy of tax cuts, more than anything else, that defines the conservative movement today.

When confronted with the accusation of disloyalty, McCain tries to reclaim the sacred words. “For us to put all of the surplus into tax cuts is not a conservative effort,” he told one audience. McCain has called his economic plan “a new fiscal conservatism for the new century.” He told me, “I think it’s conservative to want to pay down the debt.”

But, in the current political configuration, it isn’t. To understand why, you must briefly delve into economic history. It’s true that conservatives once stood for fiscal conservatism—lower deficits, wariness about inflation, and so forth—but, with the advent of Reaganism, all that changed. For the past two decades, the right has been in

# Republican.

gressive for a Republican proposal; Bush would give almost 37 percent of his tax cuts to the wealthiest one percent of Americans, while McCain would grant them almost nothing. And even this understates the difference, because McCain would offset at least half the cost of his tax cuts by eliminating corporate tax subsidies. (This is not just populist but also good economics, since most of those subsidies represent inefficient government intervention in the market.) Since the subsidies McCain targets mainly benefit the very wealthy—who own the bulk of stock—his plan genuinely redistributes wealth from the rich to the middle- and upper-middle classes.

**M**CCAIN’S SECOND HERESY is less obvious but equally radical. In contrast to all his GOP opponents, he is preaching fiscal conservatism. And, in the post-Reagan Republican Party, fiscal conservatism is not “conservative” at all. Let me explain.

McCain would devote a huge chunk of the swelling budget surplus to the Social Security and Medicare trust funds to ensure that they don’t go bankrupt. Since the trust funds would use this money to reduce the national debt, one could call McCain’s plan fiscally conservative in the same way one might call it fiscally cautious or fiscally responsible.

But today’s GOP is not primarily interested in reducing debt; in other words, it is not “fiscally conservative.” Congressional Republicans want to take the part of the budget

thrall to supply-side economics, which holds that the economy is determined above all else by marginal tax rates, particularly those paid by the wealthy. The supply-siders have never exerted absolute dominion over the GOP—they have had to forge coalitions with social conservatives and spending cutters—but tax cuts have remained the party’s *sine qua non*.

In recent years, meanwhile, the Democratic Party has undergone a concurrent transformation. During his first year in office, Clinton cast his lot with Federal Reserve Chairman Alan Greenspan, proposing an economic plan centered on deficit reduction. The ensuing economic growth has more or less enshrined this as Democratic policy. The mainstream liberal model of the economy now resembles the pre-Reagan Republican model.

The prosperity of the Clinton years has put the conservatives in an awkward spot. No longer able to portray tax cuts as necessary for a strong economy—not without looking ridiculous, anyway—they have been reduced to a kind of moral argument: the budget surplus “belongs” to the taxpayers and must be returned to them. Listen to Bush, the establishment’s standard-bearer. “There are only two things that can be done with a surplus,” he likes to say. “It can be used by government ... or it can be used by Americans.” This formulation cleverly equates debt reduction with new spending, thereby ruling it out. Consider, too, Bush’s reply to the objection that a large tax cut would jeopardize the economy: “I do not accept the proposition that it is somehow ‘risky’ to let

taxpayers keep more of their own money.” It is a revealing line. He is answering a macroeconomic argument (tax cuts may be risky) with an appeal to individual entitlement (the money belongs to taxpayers).

Compared with an economic philosophy based on the rights of those most burdened by the progressive income tax, an ideology rooted in the interests of the economy as a whole is comparatively progressive. McCain’s plan accepts the economic theory shared by Greenspan and Clinton: prosperity results not from cutting tax rates but from reducing federal debt, thereby freeing up savings for capital investment. To be sure, McCain—like Greenspan—has a narrower interpretation of the government’s social responsibilities than Clinton, but he has the same basic view of the government’s role in promoting prosperity.

McCain, of course, understands that there is no advantage in portraying himself as a Clintonite. So he and his staff present their philosophy in generational, rather than ideological, terms. “The Bush plan is a 1980s plan, and it ignores the lessons of the ’90s,” recounts Kevin Hassett, McCain’s chief economic adviser. “Senator McCain challenged his economic team to figure out why we’re doing well in the ’90s.” But the lessons of the ’90s are the lessons of Clinton and Greenspan: Tight fiscal policy, not tax cuts, creates growth.

**T**HE STRANGEST THING about McCain’s apostasy is how quickly it has developed. For years on end he toed the party line on fiscal policy, betraying not a hint of doubt. Now the Reagan-worshipping, unwonky fighter pilot from the libertarian Southwest, practically alone in his party, is trying to resurrect a tradition of fiscal conservatism that had seemingly disappeared.

McCain offers a prosaic explanation. “In the interest of full disclosure, I didn’t pay nearly the attention to those issues in the past,” he recalls. “I was probably a ‘supply-sider’ based on the fact that I really didn’t jump into the issue. . . . I also hope that my thinking has changed as a result of the times. I am compelled by information that indicates that there’s a growing gap between haves and have-nots in America.”

Yet there must be more to it than that. The gap between rich and poor began to widen in the late ’70s, and it expanded most rapidly during the ’80s, when McCain loyally supported Reaganomics. McCain’s newfound skepticism about supply-side economics could be a political calculation. But, if it is, it’s a pretty dumb one. His stance on campaign finance reform has already won him a following among the independent voters he needs, and it has already made him suspect in the minds of many GOP partisans. His tax-cut heresy simply confirms the worst suspicions of Republican mainliners and overshadows any concerns they may have had about George W.

The most plausible way to explain McCain’s strange intellectual odyssey is to assume that something unmoored him from the discipline and dogma of his party. That something, almost certainly, was campaign finance reform. It is not hard to imagine how this happened: In the course of his reform crusade, McCain has been pilloried by Republicans and praised by Democrats and liberal journalists. Maybe he

began to wonder who his friends were. Maybe the overwhelming GOP defense of a system McCain insists is corrupt made him rethink the faith he had placed in the people from whom he took his ideological cues. “I think the party to some degree has lost its way,” he told me, “and I think this is because of the influence of big money.”

Evidence to support this theory pops up from time to time. Last August, the staunchly anti-abortion McCain told *The San Francisco Chronicle* that “certainly in the short term or even in the long term I would not support the repeal of *Roe v. Wade*” and then beat a hasty retreat after conservatives objected. Today, when confronted on the issue, he duly refers to his anti-abortion voting record in the Senate. But those votes were in the past, and, since the senator seems unable to muster any passion on the issue today, pro-life activists legitimately wonder how strongly he still holds to his old views. Similarly, McCain recently called the Confederate flag—a totem for Republicans in the key primary state of South Carolina—a “symbol of racism and slavery.” A few days later McCain said, in effect, that it wasn’t. Yet, in recanting, he made no effort to conceal that he was reading from a prepared statement, as if to proclaim that his heart wasn’t in it. No wonder many on the right are starting to wonder which other long-held positions he might be starting to doubt.

**I**T IS NOT yet possible to systemize McCain’s worldview, because he has not done so himself. It’s not exactly Clintonism; indeed, it is a species of conservatism, just a conservatism radically different from the one we know today. One way of understanding it is as an amalgam of the legacy of Theodore Roosevelt and something called “national greatness conservatism.”

National greatness conservatism is a slightly vague notion developed by David Brooks and William Kristol of *The Weekly Standard*. It was conceived as a counterpoint to the most right-wing of the Republican revolutionaries, who, Brooks and Kristol argued, detested big government so much that their beliefs threatened the very legitimacy of the state. Brooks and Kristol argue that government, while limited, must be vigorous. They do not explain what government’s role ought to be—“It almost doesn’t matter what great task government sets for itself,” writes Brooks, “as long as it does some tangible thing with energy and effectiveness.” In this Brooks and Kristol echo Roosevelt, the man they see as the originator of national greatness conservatism, who in his public and private life held up vigorous activity as its own reward. (Bush’s campaign strategist, by contrast, idolizes William McKinley, Roosevelt’s nemesis and an ally of the robber barons.)

National greatness conservatism is not really an ideology—it isn’t fleshed-out enough—but it is a process for arriving at an ideology, and that is how McCain is using it. McCain frequently cites Roosevelt as his hero, and in some cases the Roosevelt analogy simply confirms values that McCain has long held. Roosevelt, for instance, supported political reform and an internationalist foreign policy. In other instances, McCain seems to be tailoring himself to fit the Roosevelt mold. McCain has a spotty environmental record, and his recent call for “TR Bonds” to restore the national parks is an obvious effort to ape Roosevelt’s conservationism.

McCain also shares with Roosevelt a military ethic in which the individual should sacrifice on behalf of a larger goal. This sensibility is not so much opposed to wealth as indifferent to it: people should not place their self-interest above the greater good. Roosevelt argued against McKinley's notion that government should be simply a handmaiden to industry. "Gentlemen," he said, "I have seen it constantly stated . . . that we must not deal with anything but business questions. Now, there is a great deal more than that in the life of every great nation. There is patriotism, love of country, pride of race, courage, manliness, the things which money cannot make and which money cannot buy." McCain similarly invokes sacrifice, honor, and "inspir[ing] young Americans to commit themselves to causes greater than their self-interest." And McCain's notion of the greater good fits with his belief both that Americans should sacrifice for moral values overseas and that they should put the security of future generations ahead of big tax cuts.

Roosevelt, of course, advocated a vigorous federal government. But the government was so much smaller in his day that it is hard to infer from his example many lessons about the responsibilities of the government today. Here McCain's uncertainty is most apparent. He has detached himself from conservative theology, but he has not yet determined how far to allow himself to go. McCain retains an instinctive affinity for the nostrums of conventional Republicanism—small government, lower taxes. At the same time, he is increasingly taken with the aims of liberalism, and he is starting to recognize that the two cannot always be reconciled. The John McCain of today is a mass of uncertainty and contradiction, his economic and moral principles at war with each other.

**T**AKE ONE EXAMPLE. McCain says his economic plan is meant to help "the have-nots." As evidence, he points to his proposal to lift the amount of income subject to the 15 percent tax bracket. "If you put more and more people into the fifteen percent tax bracket, you would have a significant beneficial effect," he says. "The have-nots are not the poorest necessarily; the have-nots are lower- and middle-income Americans, who are not rising as fast as the wealthiest Americans, as well." But expanding the 15 percent tax bracket only helps those who are paying *above* 15 percent right now, which is only the wealthiest one-fourth of all taxpayers. When told this, McCain is at first undaunted. They "are in that bracket, but their boat is not rising," he insists. "They're a group of have-nots. They're in the have-not group." Later in the interview, though, McCain betrays second thoughts. "Maybe I'm not paying enough attention to the poorest of America," he says. "Maybe my priorities are not correct. I selected this course not thinking that it's perfect but thinking that it's the best that I could come up with."

At the same time, out of political necessity, McCain tries to portray his tax plan in the most conservative light. He describes it as a first step toward a flat tax, starting from the bottom up. But does McCain, who frets about the wealth gap, really want a flat tax, which would exacerbate it? "I'd love to see it, but it's like all other ideals." Translation: yes. But, he continues, "I'm not sure you should ever have a completely

flat tax. In other words, should Bill Gates be paying seventeen percent and somebody who's making \$30,000 a year the same?" Translation: no.

McCain's ambivalence also comes through in his statements on other issues. He wants vouchers for private schools, but he's unwilling to take money from public schools to do it—even though for most conservatives one of the advantages of school choice is that it shifts money from what they believe to be bloated public school bureaucracies. On health care, he rails against rapacious bureaucrats, woolly-headed liberals, and big solutions imposed from Washington. But, unlike other Republicans, he specifically advocates universal health insurance. This is a circle that cannot be squared. The problem of the uninsured is a consequence of market forces that can only be remedied through significant government intervention. Left to pursue their own self-interests, insurance companies will pick and choose their customers, and individuals will not be able to afford insurance without a subsidy. McCain, by his own admission, is only beginning to think the issue through. "[G]ive me five minutes and I can give you an answer to the Social Security problem, give me ten minutes and I can tell you how to reform the military, but I can't do that on health care," he confessed to *The New Yorker's* Joe Klein. McCain's instinctive support for universal coverage runs headlong into his instinctive opposition to bigger government. Who knows which principle will be left standing?

**E**VEN IF MCCAIN pulls off an upset in New Hampshire, he probably lacks the funds to compete effectively with Bush in the avalanche of primaries that follow. But today, unlike six months ago, McCain's campaign stands for something beyond his character. He is introducing something new into American politics: a reform conservatism devoted to cleansing the basic institutions of government—the tax code, the campaign process, the federal budget—in order to restore the faith of the citizenry. Whether he admits it or not, McCain has become the standard-bearer for a conservatism that is, if not hostile to, then at least not synonymous with the interests of accumulated wealth. The Republican establishment is nervous not because it fears McCain can win but because it fears the long-term threat his heresy poses.

McCain and his (few) allies in the GOP understand this. "This is a battle between McKinley and TR," says Marshall Whitman, a McCain adviser. "There are moneyed interests in the party that are deeply threatened by McCain." As Kristol puts it, "McCain's nomination could lead to a breaking of the ideological constructs of the last decade."

It did not start out this way, but the McCain campaign, by its relative success, has become the vehicle for a radical proposition: that many grassroots Republicans do not believe that what benefits the rich necessarily benefits the poor and do not want their government to cut taxes at the cost of its long-term fiscal health. McCain's ideological alternative remains amorphous. But he has radically expanded the boundaries of what it is possible to say in the GOP primary, and his success means that others will pick up where he leaves off. John McCain's candidacy may be overwhelmed by Bush's power, but the debate it has sparked has only just begun. ■

# Stanley Kauffmann on Films From Here to Maternity

**T**HE RECENT FLOOD of holiday films swept aside some discussable pictures. One of them is Pedro Almodóvar's latest, and, with the flood now down to a drizzle, there's a chance to look at **All About My Mother** (Sony Pictures Classics). It's Almodóvar at both the top and the middle of his form, something we may have to become used to.

The term "woman's director," often used in the past for such men as George Cukor and Douglas Sirk, has a resonance with Almodóvar that doesn't apply to the other men. They directed what was given them, though no doubt with emendations: Almodóvar is not only the writer of his films, he begins them deep within a seemingly feminine interiority. This is rare among men. Female directors such as Chantal Akerman have made films with the same "insider" view, but Akerman begins with the advantage of being a woman and, to my knowledge, she hasn't often used this perspective as a vantage point for laughter—at the comic spectacle of maleness and of women dealing with men. Almodóvar is the only male director I know of who can laugh at men like a woman and who can offer men the fly-on-the-wall view of women's privacies. Women have verified this.

This director's particular view—glee in his insight, along with an over-the-top use of it that his female characters seem to enjoy—is immediately announced by his settings. Done here by Juan Pedro Hernandez, every room seems just slightly larger than life, because of the leaping colors. Red is the dominant one here, and it's frequently echoed in clothes. This sort of design has two effects: it dramatizes character, and, in one of Almodóvar's clearest intents, it guarantees that we know we are watching a film. "These are reasonably real people," he seems to say, "but don't forget, they are performing their reality." (Implication: we all do it, even if we happen not to be in a film.)

So much for the top of Almodóvar's form. His middle is another matter. When

he began his career, some twenty years ago, with such pictures as *Dark Habits* and *What Have I Done to Deserve This?* and *Women on the Verge of a Nervous Breakdown*, he seemed to burst forth, with satire ablaze, to revenge himself, like a good satirist, on the oppressive stupidities and hypocrisies of society. He was like a mongoose that had been penned up, furious and frustrated, and now had got loose to attack snakes. But, as the years tumbled by, he seemed to run out of hatreds. With most of his work after *Tie Me Up! Tie Me Down!* (the film that donated Antonio Banderas to American dreck), Almodóvar has seemed to be searching for subjects, for targets. The gleaming satirical weapons are still very much there, but he has found less to carve up. In some degree he is now a rebel without a cause.

He can contrive screenplays. For *All About My Mother*, he contrived a good one, a sinuous trip through a series of bumps and surprises that is never tedious. But it all feels devised. Imagine a TV serial in which blue language is common, in which fellatio is viewed as one way for women to make a living and is a subject of hilarity among them, in which a young nun becomes pregnant and infected with HIV—imagine it all treated just as incidents along life's TV highway—and you have the tone of the new film. It has no discernible theme: its purpose is to surprise us with non-soap incidents in a soap opera about women. "Mother" in the title can be taken as Mother Eve. (Almodóvar says he derived his title from *All About Eve*, the Bette Davis picture, of which we get a glimpse.) He apparently just wanted to snuggle down in a nest of frank, unfettered women.

Manuela, about 36, has a hospital job in Madrid. (Cecilia Roth is humane and lovely in the role.) She is a single mother with a seventeen-year-old son. The son is killed in a car crash, and she goes back to her native city of Barcelona to look for the boy's father. Arrived there, she takes a taxi to the Field, a mall for all kinds of hookers.

Manuela sees one of them being assaulted, stops the cab and rescues the hooker—whom she knew eighteen years ago. She goes home with the hooker who, not long afterward, is revealed as a transvestite. (Antonia San Juan, very wicked.) What follows is too tortuous for summary. Some fragments: Manuela becomes assistant to an actress in *A Streetcar Named Desire*; she even goes on one night as Stella; the actress (Maria Paredes, neurotic but nice) is a lesbian in love with a junkie; when the young nun (winsome Penelope Cruz) enters the story—her pregnancy still a secret—she takes a hooker to her wealthy mother for a job; the mother is irate that such a woman has been brought to her home; then mom stamps back into her studio to continue her own profession, forging Vermeers.

All of the film—except for the sad moments dropped in like vinegar in a dressing—is brightly, uniquely amusing. It leaves us feeling concessive. If this concoction is the best that Almodóvar can do now, then let us have more. If his original impulses are spent, let us enjoy the afternoon of an ex-faun.

In the swirl of recent films, two performances stand out. **The Hurricane** (Universal) is the story of Rubin "Hurricane" Carter, the boxing champion who, along with a friend, was framed on murder charges in New Jersey and was cheated of more than twenty years of freedom. Experts in the Carter case have criticized the film's inaccuracies, but whatever its factuality, Denzel Washington gives a performance—perhaps of "a" Carter more than "the" Carter—that is commanding. This Carter says that, in the horribly long course of time, he has shed all desire for things outside the prison; thus he is no longer a prisoner. Washington gives us this inner purge and growth with easy stature. The film was smoothly directed by Norman Jewison, and there are other good performances. (Liev Schreiber, the recent New York Hamlet, is in it.) But Washington is a mountain, and not just because Carter is the biggest role.

**A Map of the World** (First Look) is a soggy number, largely about child-rearing and its travails. It never really focuses, but it has one scene that I will not forget.

Sigourney Weaver is quite accidentally responsible for the drowning of a neighbor's child in the pond on her farm. A few days later Weaver is walking through a field and hears someone crying in a nearby patch of woods. She finds the child's mother, alone, who has apparently

gone into the woods just to cry. The bereft mother is played by Julianne Moore. Nothing is more common in screen emoting than tears, and emoting is the right term for most of it. Not with Moore. Her tears seem generated by agony, a woman shaken

by the loss of the fruit of her womb. It's no less elemental than that. She declines her friend's comfort. She tells Weaver, "I know you're sorry. I'm even sorry that you're sorry. But..." She leaves. Moore has created a small gem of truthful heartbreak. ■

question does not make it any less urgent. For it is not just about Germans; it is about the rest of us, too.

Two new books grapple with the matter once again. One is by Günter Grass, whose recent Nobel Prize was earned, one feels, not just for several literary masterpieces, but also for his lifelong struggle with the German problem from a confessional, "progressive," and sometimes flagellant perspective. The other is by Michael Stürmer, a conservative historian and former adviser of Helmut Kohl. Neither of these men can be described in any way as an extremist; both abhor the Nazi past. But they are of different persuasions, which sometimes come to blows in ways that tell us less about actual history than about the emotional rawness of the German problem in Germany.

Stürmer was involved in the famous *Historikertreit*, the conflict of historians that erupted in 1986. His view (shared by Helmut Kohl) that Germans should nurture a historical identity that does not dwell too much on the horror of the Nazi period was denounced by his critics as an attempt to whitewash the past. The critics, among whom one will find at least one literatus with a gloomy walrus moustache, are accused by conservatives of being unpatriotic extremists. The word bandied about is *Nestbeschmutzer*, one who fouls his own nest. The controversy in fact echoed more extreme battles fought in 1968, when New Leftists and student radicals attacked the older generation for covering up the guilty past, and were accused in turn of undermining the new German state and its jealously guarded Western alliance.

## II.

GÜNTER GRASS is the more important figure and the better writer. Yet one would not come to that conclusion after reading *My Century*, a chronological dash through the last hundred years in Germany. Its title might sound a bit grand, but it is actually quite apt, since Grass, of all writers, has been most prone to associate his own life with the German problem. His greatest novel, *The Tin Drum*, which appeared in 1959, turns the landscape of his childhood in Danzig into a fantastic allegory of German history. The rise of Nazi horror is seen through the eyes of a child who cannot grow, a child who would have been roughly the same age as the writer. But Grass's new book lacks a single perspective or voice; it is made up of many voices, more or less one for each year. Among

# The Tin Ear

By IAN BURUMA

My Century  
by Günter Grass  
translated by Michael Henry Heim

(Harcourt Brace & Co., 320 pp., \$25)

The German Century  
by Michael Stürmer

(Barnes & Noble, 288 pp., \$50)

## I.

AH, YES, THE German problem. It kept Heinrich Heine awake at night, and it still haunts some of us today, after a hundred years of brilliant German achievement and darkest German barbarism. The German problem springs to mind in the oddest ways, prompted by associations that are hard to shake off for anyone who was spoon-fed with Nazi demons. Living in Berlin some years ago, I used to sit in my room transfixed by live television broadcasts, mostly from Bavaria, of beery folk festivals, where men and women in feathered hats linked their arms, stamped their feet, and bellowed their songs, while other men, bursting out of leather shorts, made fat, farting noises through gleaming brass instruments. The sweating red faces, the thick, hairy legs, the aggressive stomping rhythms: these were just a bunch of Bavarians having innocent fun, but I thought of Nazis kicking their victims. One tries to suppress such associations, telling oneself they are unfair, and yet they keep rising to the surface. Demons, even second-hand ones, are not put down so easily.

Then there is the other manifestation of

the German problem, the embarrassing manner in which some perfectly decent people are so haunted by ancestral sins that they cannot stop crying, loudly and publicly, in their beer. Few bien-pensant occasions in Germany are without some teary reference to what is known as "working through our past," hinting at much spiritual heavy-lifting. Perhaps it is the confessional Pietist tradition that turns so many Germans, young and old, into gibbering flagellants when someone comes along to tell them that they have extermination in the blood.

One thing, at any rate, is clear: if the offspring of their former victims find it hard to let go of the German problem, the Germans themselves find it far harder still. This is not to say that the problem is not of intrinsic moral and historical interest. It is, and for a good reason. The Third Reich still haunts us because it exposed the fragility of civilization. Barbarism erupted in the heart of high European culture. If a lover of Schubert and Goethe can torture a fellow human being to death, for the sake of some lunatic idea, what hope can there possibly be for the rest of mankind? Not much, as we know.

What, then, went wrong in Germany? How could it have happened? What corrosive poison is it that dissolves the crust of human civility with such terrible ease? The fact that libraries are already filled with books attempting to answer this

IAN BURUMA's new book, *The Missionary and the Libertine*, will be published by Random House in the spring.

them are an Israeli who made the bullet-proof case for Eichmann to sit in, twitching in silence, during his trial; a soldier in the Kaiser's army in 1900; a character in a novel by Conan Doyle; a photographer of the Warsaw Ghetto; a former '68 radical; Grass himself; Grass again; Grass's mother; and so on.

One problem is that the voices get lost in translation. Grass is a good mimic, with a fine ear for German idiom, but none of this survives in a rather wooden English text with occasional hamfisted stabs at American slang. (Somehow it is hard to imagine a German soldier in 1900 saying, "We looked real dapper.") The other problem is that the events recounted in the book are clichés in Germany, but will not have much resonance anywhere else. The famous soccer match in 1954, in which Germany beat Hungary, furnishing the first opportunity for post-war Germans to feel the warm glow of national pride, might still bring tears to old German eyes, but it will remain rather obscure to most non-German readers. Grass's German problem is a very domestic affair.

Even though the story is told by many voices, the Grassian perspective, colored by his youth in Nazi Danzig, and his long-held position as Germany's self-appointed conscience, is still much in evidence. Grassianism is based on the old leftist premise that fascism and capitalism are somehow linked. He also has a visceral loathing of military power. It follows from this that America's adventures overseas, or "U.S. imperialism," in Vietnam, Latin America, or wherever, are always to be condemned, as though they were distant echoes of Hitler's empire-building. More to the point, it means that the Federal Republic of Germany—that anti-Soviet bulwark, NATO frontline, and home of the big fat Economic Miracle—always had to be warned by social-democratic writers of conscience against the temptations of backsliding into the bad old past. This often gave his statements a moralizing, schoolmasterish tone.

Like Harold Pinter, a figure whom he resembles in some ways, Grass tends to

keep his shriller political pronouncements separate from his art. But Grassianism comes to the fore in moments of political crisis. 1989 was such a time. Instead of rejoicing in the new freedom of the east Germans, Grass issued warnings that the two Germanys should not reunite because of Auschwitz. Now, to have a national naysayer, whose public nagging serves as grit in the body politic, is surely not a bad thing: anything to stop the Germans from being carried away on waves of triumphalism. And Grass is to be applauded for keeping memories alive,

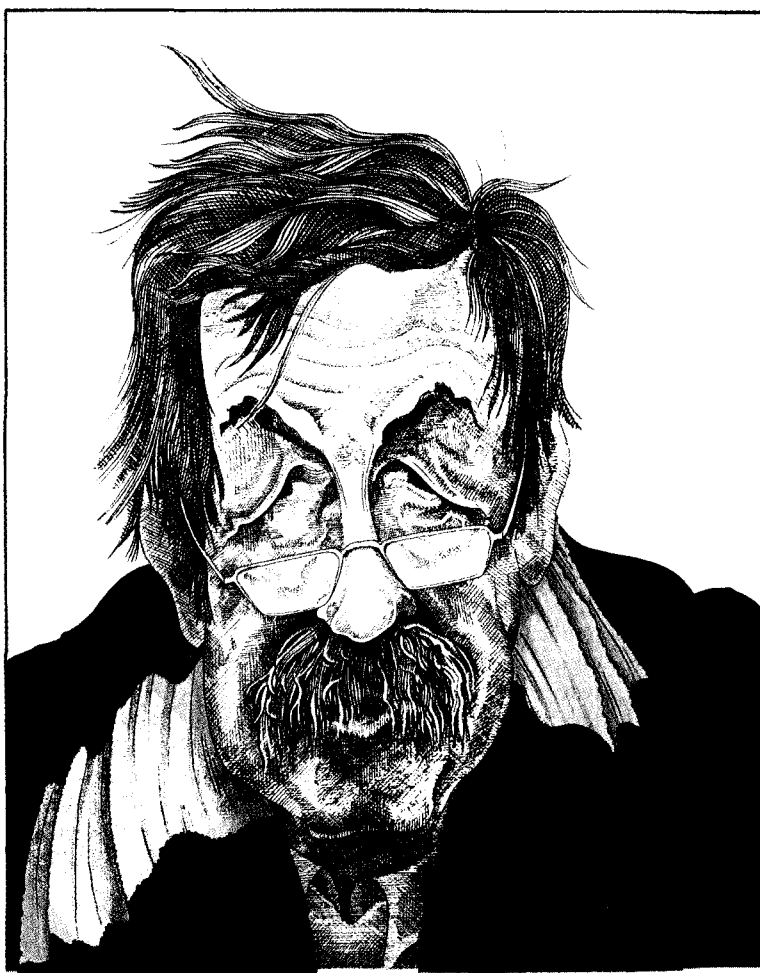
mercy, and to remember the greatness of Attila the Hun. In China, the German soldier is proud of the new Krupp canon, and impressed by the American Maxim machine guns. He remarks that the Boxers "hated foreigners because they sold the Chinese all kinds of stuff. The British particularly liked selling opium." The Boxers are duly executed in large numbers, without mercy. Here we have it, then, in a neat little opening salvo: the Germans as the murderous Huns, helping greedy Western imperialists to exploit the Third World. In fact, the Boxers hated missionaries, not

traders, and opium was no longer the issue at all. But the requisite Grassian tone is set.

Hitler's times are heralded in an equally slanted way. In Grassland, again, fascism is twinned with capitalism; and much has been made, especially by historians in the former German Democratic Republic, of the American corporate interests that persisted well into the Hitler years. In 1929, the car manufacturer Opel was bought by General Motors. As the Opel employee in Grass's book puts it: "And from one minute to the next, what do you know, we're all Americans!" The results are predictable. Old-timers are fired, as an inexorable consequence of the ruthless American system. The voice falls victim, too. He is reemployed after Hitler comes to power, but then he is sent to Riga during the war. And as soon as the war is over, "I was back at Opel. It worked out good we were Americans. We

hardly got bombed during the war and weren't dismantled after it. Pretty lucky, eh?"

It is not immediately clear what we are supposed to conclude. That the Americans were partly to blame for the mass unemployment that helped to bring the Nazis to power? That American corporations were responsible, with Krupp, IG Farben, and so on, for maintaining the German war machine? Or is Grass simply trying to say that plutocrats, especially American plutocrats, will come out on top, whatever the circumstances? If so, the point is banal, and the sarcasm as heavy as a *Pravda* editorial.



Günter Grass by Vint Lawrence for The New Republic

when many would prefer to forget. Yet the intemperate use of Auschwitz, as though it were a clove of garlic to ward off Teutonic demons, blunts its effect. History is not a talisman. To employ it as such devalues the past. It is like calling policemen in Frankfurt or GIs in Vietnam "Nazis." If they are Nazis, what were the real ones?

*My Century* is too artful to be strident, but Grassianism still intrudes too much. It begins in the opening chapter. The voice belongs to a German soldier, the one who looked "real dapper," stationed in Peking to help put down the Boxer rebellion in 1900. The Kaiser tells his troops, before they set off from Bremen, not to show any

Later we hear the voice of a grandfather recalling the hard times in 1932. "Something had to happen," he tells his grandson some six decades later. Things just could not go on the way they were, what with so many people out of work. And a year later something did happen: Hitler came to power. But of course, he says, when his grandson complains about life, it couldn't happen today. "You're right," the kid said. "No matter how many people are out of work, the stock market keeps going up." Maybe I am missing something here. It cannot be that Grass prefers Hitler's palmy days, just because the Führer put people back to work. Perhaps it is just that one type of cynicism has replaced another. First fascism, then capitalism. Or, as he says in another story in the book, about a political opponent setting fire to Grass's door, "A thing or two may have changed in Germany since then, but not in matters of arson."

**T**HE WAR YEARS are delivered to us in the memories of a number of journalists, who get together in an expensive resort to mull over the good old times. All of them had worked for the Nazi press during the war. One was a photographer who had witnessed the end of the Warsaw Ghetto. One had reported from the Russian front. One had been up with the Luftwaffe. And so on. Now they are all "big shots" in the West German media. The gist of their rather dull conversations is that Germany should never have lost the war. If only Hitler had not held Guderian back from annihilating the British at Dunkirk. If only the push east had begun a bit earlier, a bit longer before the Germans froze to death. If only German scientists had got the atom bomb first. If only, if only.

No doubt such thoughts are still being aired over beer and sausages in the fustier corners of hotels, cafés, and corporate boardrooms, and they offer an easy target for Grass's rage at his countrymen's historical blind spots; but to rehearse them as a way to sum up the war years is crude and unenlightening—except to press home, once again, the Grassian jeremiads about the hypocrisies of West Germany. This is typical of the whole book, which is less about the history of the last hundred years than about the author's take on the Federal Republic.

On the postwar German problem, conservatives such as Stürmer and many leftists agreed about one thing: something was lacking in the western half of a divided Germany. Call it "soul," if you like. Stürmer saw West Germany as a place without traditional values and historical identity, and leftists saw it as a state driven by capitalist greed and American inter-

ests. Grass was never so naïve as to see the other half of Germany as a workers' paradise. Indeed, he could be a vociferous critic of the GDR. But he and others on the Left often spoke about the east with a degree of nostalgia, as though the rudiments of a warmer German soul, of caring more for *Gemeinschaft* than the cold, glinting Deutsche mark, were to be found there, in the crumbling nineteenth-century tenements of Leipzig and Prenzlauer Berg.

**T**HIS IS WHY the end of the GDR filled Grass and other leftist intellectuals with such confusion. There is a *petite histoire* in *My Century* that illustrates his sentiments in a rather sickening way. It is set against the background of the Monday Demonstrations in Leipzig. Encouraged by Gorbachev's perestroika, the events in Tiananmen Square, and the overpowering smell of Communist decay, the East German people rose up against their government in the autumn of 1989. Every Monday evening masses of people defied the police and demonstrated in the streets of Leipzig. First they cried "We are the people!" and then "We are one people!" They wanted what Germans in the West had long taken for granted: freedom and prosperity. They wanted to be part of that Germany, too.

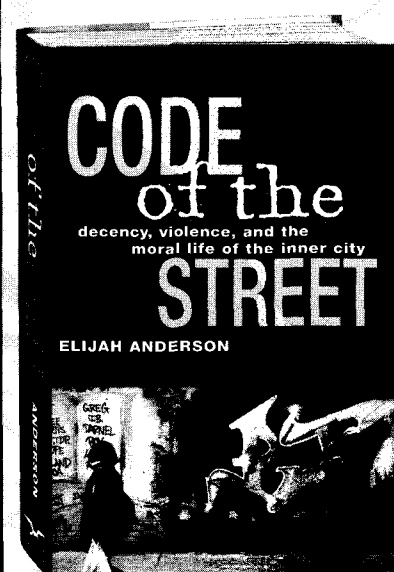
Grass describes the scene through the voice of a sinister figure who has written a report on submarines for German arms manufacturers. He is a right-wing NATO supporter, with ambivalent feelings about "perfidious Albion." Thank goodness, he writes, German submarines sold to Argentina were not deployed during the Falklands War. Just think what that would have done to relations with Britain and NATO! Remember what happened during an earlier Falklands battle, in 1914, when the German Pacific Fleet was sunk by the Royal Navy. But he believes it is time that Germans regained their national pride and regarded themselves with healthier historical perspective. Indeed, he advises Helmut Kohl on this matter. (He might almost be Michael Stürmer.)

He then switches the subject to the imperial military flag of the old German Reich, and observes how glad he is to see young Germans wave that flag once again in the Monday demonstrations in Leipzig. Those youngsters may be a bit coarse. Their desire for unification may be a little violent. Still, "now that reunification is a reality, let me confess, dear friend, how proud I am to have harkened to history's call and put my report to good use when the time finally came to recall our national values and wave our flag for all to see."

Here Grass has contrived to smear NATO, Kohl, and worst of all, the East

**"Unsparring  
and important.  
... An informative,  
clearheaded and  
sobering book."**

—Jonathan Yardley,  
*Washington Post*  
(1999 Critic's Choice)



**"A brilliant diagnosis  
of the internal factors  
that hold blacks back."**

—Wall Street Journal

**"One of the most  
interesting examinations  
of poverty, violence and  
sociology to emerge in  
recent years."**

—Boston Herald

**"Powerful and poignant . . .  
must reading for those  
who want to understand the  
problem of urban violence  
and how it can be corrected."**

—William Julius Wilson,  
Harvard University



Wherever books are sold

 **NORTON**

Independent publishers since 1923  
[www.wwnorton.com](http://www.wwnorton.com)

German people demonstrating for freedom, with the tar of extreme nationalism and mass violence, as though they were all neo-Nazis in waiting. (To be sure, there were some.) This kind of thing is enough to give anti-fascism a bad name. It is as though Grass cannot conceive of a united Germany that will not be wrapped in the flags of Nazism or imperialism. Surely, for one of the most celebrated writers of the twentieth century, this represents a colossal failure of imagination.

### III.

COMPARED TO ALL this, Michael Stürmer's text is a model of balance and sound judgment. But the best thing about his historical coffee-table book, written for the English-language market, is its selection of photographs. Many are fresh and unusual; all are well chosen. The picture on the cover shows a rural landscape in Thuringia during the harvest season. Two blond boys in leather shorts walk along a sandy path carrying scythes. It is the perfect pastoral scene, bathed in soft sunlight, exuding peace and well-being: the German soul at ease. Then you look a bit closer, at the belt-buckle with the silver swastika, and the flannel Hitler Youth shirts, and the scythes bring a more sinister image to mind: the Grim Reaper is already stalking these arcadian lands. The time is 1940.

Unlike the press barons as they are imagined by Grass, Stürmer does not lament Germany's defeat in 1945. Nor, in the manner of some conservatives, is he nostalgic for Wilhelminian pomp. His conservatism is cultural and aesthetic, as well as political, perhaps more eighteenth century than nineteenth century. The Kaiser's bombast is too gaudy and vulgar for his taste; and as for the brown-shirts, well, you wouldn't want to have been caught dead with them. Stürmer frets a great deal about the loss of traditional values. So naturally he is against anything radical, anything that upsets the order of things, whether it be the Kaiser, the Nazis, or the student radicals of 1968. His analysis of what went wrong with Germany in the twentieth century is shaped by a fastidious sensibility.

The choice of photographs is telling. The first thirty pages or so depict a traditional, peaceful, old-fashioned society, shaped by the stern, fatherly figure of Bismarck sitting in the garden of his Prussian estate, a faithful dog at his feet. In this Germany, people still know their places; their identities remain undisturbed: the Baltic fisherman reads his paper, while his wife prepares the evening meal; card players in regional dress drink *schnapps* outside an inn near Weimar; the good folks of

Berchtesgaden stroll around the marketplace; a proud paterfamilias poses outside his Black Forest home.

But enemies of peace and quiet lurk in the background. First comes the swaggering Kaiser Wilhelm II, making up for his overbearing mother and his withered arm by playing soldier, strutting in front of his grandiose palace in shiny boots and feathered helmet, dreaming of battleships and military glory. But there are other, less bellicose enemies of traditional order, too. Stürmer mentions the massive dislocation of people owing to new opportunities in industry and commerce: "The epoch of growth and promise brought with it a loss of identity, disorientation and homelessness, a loss of tradition and of belonging." Hitler's fin-de-siècle Vienna, he writes, was marked by weariness, decadence, and "a firm belief in progress," which were all part of "an epoch that had long lost a sense of unity and an organizing principle. The path of progress skirted the abyss." And then, out of Hitler's Vienna, came Freud, whose unleashing of dark, sexual monsters delivered to tradition the *coup de grâce*: "Freud's writings undermined the foundations of the entire system of norms governing guilt and responsibility."

SO IS THIS the root of the German problem? The wild surf of progress, the heady leaps of artistic and scientific imagination, Nietzsche's death of God, Freud's demons, the madcap rush for riches and glory? I think Stürmer makes too much of these things. After all, similar dislocations took place in other countries, such as France, but they did not end up starting two world wars. Somehow their political institutions weathered the storms of revolt and reaction, not to mention poor old Freud. Why not Germany?

Germany was not unique in that modern discontents were often blamed on the Jews. Anti-Semitism might have been worse in France (though France, unlike Germany in 1914, did not have a monarch who vowed to crush "Juda-England"). As Stürmer points out, there was no Dreyfus Affair in Germany. (He might also have pointed out that there were hardly any Jewish officers in the Prussian army either.) And yet the French did not exterminate the Jews. Despite its fair share of revolutionary violence, French democracy survived until the Germans invaded in 1940. Without the Nazi occupation, Marshal Pétain would never have stood a chance.

One difference between France and Germany in the early twentieth century is that the French bourgeoisie kept a deeper faith in their democratic institutions. This may be because those institutions had deeper roots in France. Germany became

a unified state a hundred years after the French founded their republic, and Bismarck did his best to emasculate parliamentary politics. But an important aspect of the German problem was the political abdication of the educated, conservative middle-class. Thomas Mann's sentiments, expressed in 1918, were typical: "I don't want the trafficking of Parliament and parties that leads to the infection of the whole body of the nation with the virus of politics."

For cultivated Germans, politics was associated with grasping, greedy, plebeian men, out for their own selfish interests instead of the larger good of the nation. This is why leaders who promised to restore the arcadian comforts of ancient German virtues and *Volksgemeinschaft* (an untranslatable term, though "racial community" comes close) were so successful. Too many Germans yearned for the politics of anti-politics. The occasional shrillness of Günter Grass may be seen as a sign of someone who has learned his lessons from the past a little too well.

MANY CRITICS OF early-twentieth-century Germany have pointed out the crass materialism of Wilhelminian Germans as well as Weimar republican Germans. Here, quoted in Gordon Craig's *Germany: 1866-1945*, is Alexander Döblin on imperial Germany: "The growing atrophy of the bourgeoisie, which became divided into profiteers, lickspittles, the apathetic, and the discontented. The brooding atmosphere of this empire of money-grubbers, in which, from time to time, there sounded the rattling of sabres or the music of waltzes. This monstrousness, which sucked in even the working masses." But this, too, it seems to me, was largely due to the relative absence of liberal political life. When economic boosterism becomes a tool of authoritarian government, money-grubbing and ugly nationalism are the natural consequences. We are seeing something like it in China today.

Writing about the 1930s, Stürmer still finds it baffling that a vulgar mass movement, led by a ruthless preacher, could attract a middle-class that was educated in the humanities. Again, he seeks to explain this by pointing out the loss of tradition. In his words, "disorientation, demoralization and fear of the abyss had undermined all tradition." This fits in well with Stürmer's promotion of a healthy historical identity for Germany today. But the seduction of millions of Goethe-readers and Beethoven-worshippers is surely not all that mysterious. Intellectuals are easily seduced by collective, quasi-spiritual, idealistic movements that promise to redefine the identity of the nation. Defining the

national identity is, after all, their natural occupation. Yet in the absence of active, political citizenship, intellectuals soon fall prey to feelings of uselessness and alienation. And there is no better cure for intellectual self-pity than to be received into the warm bosom of the *Volks*.

Stürmer does not gloss over the war years. The photographs show the seductions—horseplay around blazing campfires, massive flag parades, spanking new autobahns, gleaming Volkswagens, paintings of naked blonde women, and nights at the opera with the Führer—as well as the brutalities. The harshest images are not necessarily the most graphic depictions of violence. One struck me in particular. It was taken in Cracow, and shows Hans Frank, chief of the General-Gouvernement (G.G.), an area that included Auschwitz, greeting two dignitaries of the Polish Catholic Church.

His head thrown back, his pudgy hand held low, as though expecting to be kissed, Frank personifies the mock bonhomie of a gangster revelling in power. The two priests, in full clerical regalia, are bent in the obsequious postures of supplicants. The large men in Frank's entourage, bulging in their long leather SS coats, smirk at this picture of humiliation. There are worse images than this, to be sure: the terrified Jewish children cringing in the Warsaw Ghetto, the half-naked Jewish women in Lithuania waiting to be shot into an open pit. But the picture of Frank, an educated lawyer who played Schubert beautifully and probably loved Goethe, somehow captures the greasy obscenity of Nazi power.

THE FACT THAT Jews were Hitler's chief victims is not exactly spelled out in Stürmer's text. He does not deny it, of course, but he is disinclined to dwell on it, as though it would be a little indelicate. It is distinctly odd to read a whole page dedicated to Hitler's life and character without a reference to his anti-Semitism. To say that Swiss banks contained gold coming from the bank accounts, the jewellery boxes, and the teeth of "concentration camp victims" is a little coy. Why not come out and say it: almost all of those "concentration camp victims" were Jews. There is also rather a lot on the atrocities carried out by Soviet troops at the end of the war against German citizens, which is fine, but there might have been a bit more about some of the things that the Germans did to the Soviets.

Still, there is no doubt that Stürmer thinks of the Nazi period with deep horror. His text is not an extenuation. If he dons rosy spectacles at all, it is in his account of the early postwar years,

of Konrad Adenauer and the currency reform by Ludwig Erhard—the very years that Grass would identify with deliberate historical amnesia, pro-American opportunism, and capitalist greed. Stürmer writes about the civility of those days, about Adenauer's courtesy, about the soft voices and the humble manners of the good German folk working hard to rebuild West Germany as a decent, democratic, Western nation. It is as though a little bit of the conservative traditional order that he admires had come to life in the dreary 1950s.

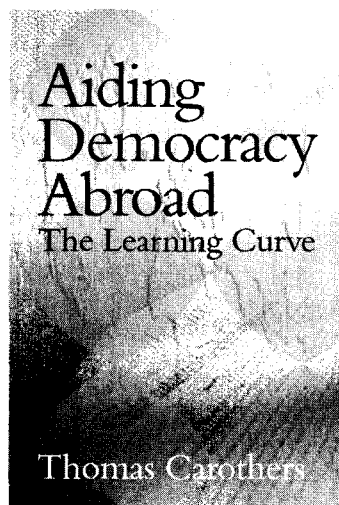
It was Erhard, economic director of the Anglo-American occupation zone, later finance minister, and later still chancellor of the Federal Republic, who promised Germans "wealth for all." His financial policies in the late 1940s and 1950s laid the basis for the Economic Miracle. His motto was, "We Germans are somebody once again." He was no doubt a fine man, and Germans owe him a great deal. And yet, when you contemplate his picture in Stürmer's book, the obese, grinning face, the trousers hitched up over a great bulging stomach, the oily white hair, the smug cigar, you feel a twinge of sympathy for Grass. There is something repulsive about a people getting rich so quickly after having just perpetrated and condoned the murder of millions. And yet Churchill

wanted Germany to be fat and impotent, and most Germans were perfectly happy to comply.

It is only when he gets to the 1960s that Stürmer becomes overwrought. He denounces the generation of 1968 as rude extremists whose manners were as unruly as those of the brownshirts. The end of democratic stability seemed to be at hand. Revolutionary violence became the order of the day. Stürmer is not entirely wrong: student radicalism in Germany often was self-righteous, hysterical, ideologically deluded, and—in the 1970s, when the Red Army Faction made the headlines—murderous. By that stage, Grass, too, was sick of the rebels, and was seen by them as a reactionary fuddy-duddy. Some of the better bits in *My Century* describe the writer's ambivalence about the radical rebellions. He was, after all, an active Social-Democrat, not a revolutionary.

It was absurd to think, as many young radicals did, that the Federal Republic was a crypto-Nazi state. Still, the rebellion was a necessary stage in Germany's political development. Stürmer ridicules the fashion for "anti-authoritarian education," but it was surely beneficial that Germans challenged people in authority, and broke some of the hierarchical attitudes that persisted, especially in academe. The 1960s was also the period in which Ger-

## New from Carnegie Endowment



### Aiding Democracy Abroad: The Learning Curve Thomas Carothers

"Supporting democratic transitions around the world is one of the defining challenges of our time. At last we have a comprehensive account of the state of the art in democracy promotion. With his incisive powers of observation and formidable analytic skills, Carothers is the ideal guide. This is a landmark book, of tremendous value to all those concerned with democracy's future."

—George Soros

"... a scrupulous assessment..."  
—The New York Times

412 pp. / \$19.95 paper [0-87003-169-4] / \$39.95 cloth [0-87003-168-6]



Available in bookstores, or call 800-275-1447 or 202-797-6258

For more about these and other books from the Carnegie Endowment for International Peace, visit [www.ceip.org](http://www.ceip.org)

mans, for the first time, seriously plunged into the most painful memories of the Nazi Holocaust. They may have been strident, over-earnest, self-flagellating, unfair to their elders, and so on, but at least they did it. It would take another generation for Germans to begin to calm down.

In the end, neither Grass nor Stürmer has managed to solve the German problem. Aggressive nationalism, collective and individual greed, the destruction of civility and tradition: all these may have played a part. But above all the German problem came down to a political failure, the lack of institutional and popular will to put the brakes on men in uniform who

used absolute power to act out their murderous fantasies. Germany today, despite periodic eruptions of skinhead violence, the outrages of neo-Nazi groups, the brooding presence of former Communist subjects who have turned into demoralized, unemployed citizens of a state they resent—despite all this, Germany does have those political brakes. Germany is a democracy now. This will not keep the German problem from disturbing people's sleep once in a while; but the time has come, notwithstanding Günter Grass and notwithstanding Michael Stürmer, to leave the old patient alone for a bit, and let the problem take care of itself. ■

know whether I wanted to be lifted off the ground or be taken out on a date, let alone whether I had in mind early morning or late afternoon, unless you knew the surrounding sentences of my utterance.

Once knowledge of el-Batouty's words became public, a veritable seminar in cultural anthropology became inevitable. The prayer was an everyday expression, we were told, a little like an American saying "Jesus Christ" when startled. Just because a person invokes Christ's name under such circumstances does not mean that he is a Christian, or a religious believer. In a similar way, el-Batouty might have uttered those words upon realizing that the plane was out of control and he could do little to stop it. You cannot understand what el-Batouty said, many commentators added, unless you understand the culture of which he is a part. His words may look like those of a person intent on suicide, but "there is such a taboo on suicide in Islam, it is completely prohibited in Islam, that we find it inconceivable that somebody would invoke the name of God and then commit some act that is totally opposed to the faith," Ibrahim Hooper of the Council on American-Islamic Relations told ABC News, evidently hoping to persuade us that those Islamic militants who take their lives as the price of taking others are not really Islamic. For those attracted to this way of thinking, the fact that the U.S. National Transportation Safety Board concluded that "human action" might have caused the plane's crash was further proof of "Orientalism," of Western efforts to define the reality of non-Western people for them. In any event, the news was filled with "man in the street" interviews from Cairo denouncing America for its presumption, as if it were a crime against humanity to insist that we can ascertain responsibility from the understanding of language.

The economic, political, diplomatic, and emotional stakes involved in the meaning of el-Batouty's words are enormous. Law suits involving fantastic sums of money will hinge on whether it can be established that he deliberately crashed the plane. Lives lost can never be returned, but relatives and friends of the victims can hardly be blamed for wanting some explanation of why their loved ones are gone. Already the United States finds itself caught between those American officials who want to treat this case as a crime and those State Department officers who remind us of the importance of Egypt as a strategic ally. Yet the whole tormented matter may be moot. Despite all the reasons why we may want to ascertain the meaning of el-Batouty's words, we may never be able to do so. Unless further evidence comes forward, we will have to live

# The Hermeneutic Hole

By ALAN WOLFE

Serving the Word:  
Literalism in America  
from the Pulpit to the Bench  
by Vincent Crapanzano

(Norton, 408 pp., \$25)

## I.

WORDS MUST MEAN something. Words cannot mean any one thing. Those two propositions, clearly at odds with each other, yet in some sense true, place great difficulties in our attempts to understand the world, especially when the world that we seek to understand is different from our own. If words cannot mean something concrete, and denote a reality that is taken by all in roughly the same way, then we cannot begin to act, let alone to possess such treasures as language, history, culture, science, or morality. But if words always mean exactly what their speaker intends them to mean, and always convey precisely that same meaning to all who hear them, then our actions will lack complexity, ambiguity, and richness.

Lest anyone doubt the transparency but also the treachery of language, consider the fateful words uttered by Gameel el-Batouty on October 31, 1999. "*Tawakilt ala Allah!*" el-Batouty exclaimed, as the Egypt Air flight on which he was a co-pilot began its descent into the sea: "I entrust myself to God!" If the words are taken literally, there can be little doubt that the person who uttered them deliberately

crashed the plane. Confidence in the interpretation of the words provides closure for the inscrutability of the act. We can never know why a man with a wife and two children would take his own life, and also the lives of two hundred and sixteen people. Still, if we can at least establish through his words that his intent was to crash the plane, then we will have removed from our fearful consciousness one more of the world's terrors.

But do el-Batouty's words mean what they appear to mean? Just about every anthropologist in America would say that they do not. For one thing, the words were uttered in Arabic, and unless one is fluent in that language, one has to rely on the meaning of other words, translator's words, and it does not take an anthropologist to know that something is always lost in translation. Even if the translation problems are put aside, the meaning of words often lies in the context in which they were said. Not only does context establish whether irony or humor were intended—and when they are intended, words mean exactly the opposite of what they appear to mean; but some words have no meaning unless context is taken into account. To modify an example used by the sociologist Harold Garfinkel, if I were to say "pick me up at five," you could not

with the ambiguity and the opacity of language, with the frustration of desperately needing words to possess meaning yet being utterly powerless to get them to mean anything definitive.

## II.

VINCENT CRAPANZANO'S BOOK was written before the crash of Egypt Air 990. Unlike many works by anthropologists, it deals with Americans, not with exotic others living far from our shores. Understanding one of its two subjects—fundamentalist religious believers—required something like fieldwork, as anthropologists understand the term; but understanding its other subject—judges and legal theorists who believe that the meaning of law is determined by the intent of those who wrote it—required no fieldwork at all. Despite these deviations from the anthropological script, Crapanzano's book is prescient, for it takes as its central theme the question of what words can, and cannot, do. But it is a flawed and frustrating book, one that quickly leaves behind the objective of understanding people who believe in the literal truth of words in favor of criticizing them for their presumed epistemological naïveté.

Crapanzano begins with a rather startling claim. "Literalism in the United States," he writes, "is far more widespread than most realize or are even prepared to accept." We know that there are a large number of Christians who assert that the Bible means exactly what it says, and we know that one can find judges who try to resolve today's disputes by seeking answers in the intentions of the constitutional writers of the eighteenth century. But there are also psychologists who instruct us to take as gospel truth the recollections of presumed victims of sexual abuse, even when their recollections were long delayed and emerged only after seemingly suggestive questioning. And there are those who believe that the truth of what it means to be black or female or gay can only be known to those who are black or female or gay. We can even include among the literalists those who are certain that our behavior is determined by our genes, as if DNA were also a pellucid language whose original meaning can never be questioned.

If Crapanzano is correct, and I believe he is, then literalism cannot be associated with any particular ideology, even though conservatives would seem to have more at stake in relying on the authority of original documents than liberals or radicals. Had Crapanzano followed up his own original intent, he might have explained why so many different kinds of people,

holding so many different kinds of beliefs, are nonetheless persuaded that words can really mean what they seem to say. But, for reasons that he never adequately explains, he chose not to write that kind of book.

Instead, with the exception of a few pages in his conclusion, he focuses only on Christians and conservatives, all the while making clear his own leftist sensibilities. I cannot imagine a more damaging decision. Without the inclusion of literalists who share Crapanzano's own politics, every element of surprise—the anthropologist's "aha!" at discovering something not known—is taken out of this book, and it comes to feel rigged. Crapanzano tells us that his intent was to write a "critical ethnography." There is no doubt that his book is critical. It is certainly not an ethnography, at least not a responsible one.

WHEN HE DEALS with fundamentalists, Crapanzano's methods do not include an attempt to reproduce their way of life for readers who know little of the rituals and the practices of these unfamiliar people. It is the words that fundamentalists speak that engage him, not the behavior in which they engage. Crapanzano divides his chapters around theological concerns, not matters of religious practice. He reproduces long declarations made to him by fundamentalist religious believers, mostly from Southern California, as well as significant passages from their writings. He will frequently interrupt a monologue to challenge a point and will then report on the response—if there is one. His method is designed to get these people to express their theory of interpretation so that Crapanzano can counterpose his own.

As it turns out, many of Crapanzano's subjects are as wordy and as argumentative as he is. Offered a platform, they leap on to it without hesitation. One of the points upon which they insist, not surprisingly, is the unquestioned authority of the Bible. "The best teacher," said Martin Luther (as quoted by Bernard Ramm, a fundamentalist author cited by Crapanzano), "is the one who does not bring his meaning into Scripture but gets his meaning from the Scripture." For Crapanzano, this is an absurd argument, for there is no one Scripture to which we can turn to seek meaning. Should we look at the King James Version? School ourselves in Greek, Hebrew, and Aramaic? Search for the long lost original manuscripts? And even if we could find the one true original source, we could not escape from the hermeneutic circle. For if we ground the truth of Scripture in the words of Scripture, then what is the grounding for those latter words? Try as they might, Crapanzano

## McCarthyism in America

Co-Chairs: Douglas Brinkley & Sam Tanenhaus

The National Archives, the Eisenhower Center at the University of New Orleans and Yale University Press will host a one-day symposium on "McCarthyism in America" on the 50th Anniversary of the Wheeling, West Virginia speech. Leading scholars will gather to discuss the maelstrom surrounding the previously obscure senator from Wisconsin who was quickly transformed into the most notorious American politician of the 50's.

**Featuring:**  
Stephen Ambrose  
David Oshinsky  
Harvey Klehr  
Ellen Schrecker  
Michael Lind  
Ronald Radosh  
John Haynes  
James Chace  
George Nash  
Richard Gid Powers  
Jacob Weisberg  
John Patrick Diggins  
Arthur M. Schlesinger, Jr.  
Patrick J. Maney  
Jessica Wang  
Thomas Reeves  
Michael Ybarra  
Patricia Sullivan  
Martin Sherwin  
Stefan Kanfer

Wednesday,  
February 9th  
9am-6pm

National Archives  
Building  
Pennsylvania Ave.  
Between 7th and  
9th Streets, NW  
Washington, DC

**For details,  
contact the  
Eisenhower Center  
at 504-539-9560,  
or the National  
Archives public  
programs  
conference line at  
202-208-7345**

**Free and open  
to the Public**

## THE NEW REPUBLIC

### WE WOULD LIKE YOUR HELP!

If there is a newsstand or bookstore in your neighborhood that *does not* sell **The New Republic** and you think it should, please let us know. Either call us at (202)331-7494 ext. 3402 or send an e-mail message with the name and address of the newsstand or bookstore, along with your name to:

**Circulation @ [tnr.com](mailto:tnr.com)**

**For Customer Service  
problems or inquiries  
please call our toll-free number**

**1-800-827-1289**

concludes, fundamentalists cannot avoid prejudiced accounts of the word of God, because all accounts of God's word are prejudiced.

Since the Bible's words are literally true, fundamentalists believe, our only hope for salvation lies in judging our everyday actions against its commandments. Crapanzano correctly points out that fundamentalist Protestants in America are not, in Max Weber's terms, "other-worldly." They work, they make careers, they consume, and they take vacations like everyone else in our society. What makes them different is that, when faced with problems of adjustment or unhappiness, they do not turn to friends and relatives, nor to psychologists, for assistance. They turn to God's word.

"Fundamentalists," Crapanzano writes, "tend to read Scripture as though it were an instruction manual, verse by verse, passage by passage, story by story, always in a very narrow manner, with little regard for context." All of us can be guided by texts; we read great literature, and great theorists such as Freud, not only for aesthetic pleasure, but also to change the way we act in the world. But such readings are metaphorical: *Anna Karenina* is not a marriage manual, it is a tour of the heart. Distrustful of metaphor, fundamentalists read texts differently from the rest of us. They trust the Word more than they do experience; for some of them, writes Crapanzano, the Word "changes the way they experience and even perceive the world." This strategy of reading accounts for their confidence and their sense of fellowship; but Crapanzano adds that it is also a thin theory of reading, one that prevents its practitioners from experiencing the depth and the nuance offered by great works of the human imagination.

FUNDAMENTALISTS, FINALLY, have a theory of history, and it too, Crapanzano argues, is epistemologically flawed. In particular, there are two aspects of their philosophy of history that other approaches generally lack: an end and a beginning. They read the Bible as prophetic, as pre-figuring when we can expect history to end. And they also know, as evolutionary biologists do not, exactly when history began. Neither encourages an open-ended sense of history. For fundamentalists, history is rather like a giant jig-saw puzzle; one reads a Biblical prophecy, looks for an event that seems to confirm it, and then goes back and reinterprets the prophecy. Everything stays within the text. When Crapanzano asked some of his respondents about history outside the Bible, he realized that for them there was no history outside the Bible. Modernity, writes Crapanzano, citing the

German philosopher Reinhart Koselleck, is associated with the notion that history can be periodized. By that criterion, fundamentalists are pre-modern because, for them, history does not take place in chronological time.

THE FATAL FLAW of modern anthropology has been its inability to achieve distance from those it studies. After one goes through all the trouble of picking a people about whom we know little, learning their often unwritten language, spending a year or two in their company, and finding out more about their society than one knows of one's own, it is easy to go native and write an apology for one's subject. Crapanzano has the opposite flaw. He provides no full account of his research methods: we do not know how long he spent among fundamentalists, how he identified his subjects, what steps he took to ensure their representativeness, or any other details of what usually goes into an ethnography.

It is nonetheless clear that he went into the field to fight, not to understand. Crapanzano finds his subjects to be intellectual lightweights. They were "open, cooperative, and even interested in my research," but he is not especially interested in them. At various times he mentions their "arrogant self-certainty," "decentered egocentricity," "ventriloquial assumption of authority," and "militancy for arguments for the sake of argument." Although he never tells us much about their lives, except that they are not other-worldly, Crapanzano insists that "their lives appeared emotionally flattened, seamlessly removed from all worldly complexities, so politely God-filled that they seemed to disappear." Also, they were sexist: "Fundamentalism is very much a male discourse." Fundamentalists exist in his book as foils for Crapanzano's own sense of superiority. Look at these yokels outside of Manhattan: not only do they drink weak coffee, they don't even recognize the contradictions of their hermeneutic stance.

Something is seriously wrong with social science when the anthropologist feels the need to deploy every item of post-modern artillery in his arsenal to fire at people who are doing little more than believing in God as they see fit. Myself, I have no love of fundamentalists; my own taste in Christians runs toward Catholics (who remain, for Crapanzano's subjects, too easily seduced by metaphor). But why beat up on them so? We should try to understand them or we should leave them alone. Crapanzano does neither. "Theirs is an assertive discourse: one does not debate them," he writes. The same can be said for postmodern anthropology, at least as Crapanzano practices it. Never engag-

ing his subjects, never rendering their humanity to us, never putting them into any meaningful context, he stands there asserting counter-claims to their claims, no doubt appearing as foolish to them as they appear to him.

### III.

ONCE THE READER knows what Crapanzano has to say about fundamentalists, it is pretty clear what he is going to say about Robert Bork, Antonin Scalia, and other believers in the jurisprudence of original intent. There are differences, of course, between biblical literalists and legal literalists. The Bible, according to fundamentalists, does not allow for amendment, while the Constitution does. And constitutional faith, however much it may look like religion, is not really religion, since its founding text was written by people, by relatively modern people, not by God.

And yet, according to Crapanzano, the theory of original intent suffers from the same epistemological flaws as the theory of biblical inerrancy. A constitution cannot authorize itself as the final authority. Those who write words at one point in time cannot police their meaning at a later point in time. Are we to be guided by the actual words of those who wrote the Constitution or by what they intended their words to mean? Since the jurisprudence of original intent fails to pass the tests of interpretation established by Roland Barthes, Crapanzano assumes that those who insist upon its validity are unworthy of serious intellectual engagement.

Even more than with fundamentalists, Crapanzano lets polemics fly against the constitutional originalists. Bork, though he is called an intellectual, is "in fact an anti-intellectual—an ideologue." He is also described as "a promiscuous originalist," and while Crapanzano would not apply that term to Scalia, he does remark upon the latter's "inordinate intensity" and his "epistemological naïveté." Some of Bork's former colleagues gently told Crapanzano that the books that he wrote in the aftermath of his failed nomination to the Supreme Court were the works of a wounded man and ought best be ignored, but Crapanzano insists that "they must be taken into account" without ever telling us why. He wonders if Scalia, who took a position in a child abuse case with which Crapanzano disagrees, can even understand the trauma associated with child abuse. (Presumably we should take the child's testimony on this matter as the literal truth.) It is Crapanzano's scorched-earth method all over again.

Crapanzano's criticism of originalism is even more heavy-handed than his criti-

cism of fundamentalism. Consider the case of Scalia's Tanner Lectures, delivered at Princeton in 1995 and later published as *A Matter of Interpretation*. Scalia took up *Church of Holy Trinity v. United States* (1892). In that case, the Supreme Court considered a statute outlawing any attempt "to assist or encourage the immigration of any alien" into the United States by offering that person a job before he came here. The Church of the Holy Trinity in New York City had hired an Englishman to become its rector. The Court ruled that the original law clearly never meant to exclude such a deserving person. Scalia took the view that this was a terrible decision. The statute may have been poorly written and ill-thought-out, but "the decision was wrong because it failed to follow the text. The text is the law, and it is the text that must be followed."

**C**RITICIZING SCALIA'S LITERALISM in this case is easy stuff, especially for anyone trained in literary theory. Yet it also misses the point. In his lecture, Scalia was very careful to make a distinction between words in general and legal words in particular. "Men may intend what they will," he said, "but it is only the laws they enact which bind us." When words are meant to regulate our conduct, to distinguish between what is permissible and what must be punished, we have to take special care with them. On this, Scalia insisted. It is not an especially controversial view; many liberals would agree with it. Scalia cited Oliver Wendell Holmes saying much the same thing, and in his response to Scalia's lecture Laurence Tribe, Scalia's ideological foil, indicates his complete agreement with the judge on this point.

If legal texts are special kinds of texts, we have to assume that their authors meant what they said by them; for if we do not, then there is no need for legislatures at all. In his discussion of *Holy Trinity*, Scalia pointed out the number of times that this case was cited by lawyers asking for judicial intervention. For him, this decision opened the door to what has been called "the imperial judiciary," the effort by courts to substitute their judgment for the judgments of those actually elected by the people to make laws for them. Agree or disagree with him, Scalia's statement that the law is a particular kind of text that must be followed was made in its own context, a context that Crapanzano—presumably the anti-literalist on this matter—ignores.

Since legal words are special kinds of words, moreover, we can agree to the fiction that, for purposes of governing us, they have an unvarying meaning, even if we know that they cannot have an un-

varying meaning. We bracket our doubts about them because the alternative is chaos. Anyone who dwells on the indeterminacy of legal words, therefore, has a duty to say something about how this bracketing ought to occur. This matter comes up twice in Crapanzano's book, and twice he ducks the issue. Instead he simply offers reassurances that arguments such as his own are not "skeptical to the point of nihilism," when, without any effort to show that the meaning of words is as necessary as they are dubious, his arguments seem to be *exactly* that.

**C**RAPANZANO WANTS IT both ways. He attacks literalism with full-bodied postmodern vigor, only to insist that he really is not a postmodernist. The result is something like this: "I do not mean to say that we are living in the extreme world that many postmodernists describe. Rather, we are living in a world in which the challenge of whatever the postmodernists mean by 'postmodernism' produces a frequently reactionary response—one that idealizes the past, fetishizes the original, and indulges in nostalgia for that which was never experienced and probably never existed." If this is not postmodernism, it is certainly anti-anti-postmodernism. Which is to say, literalism may have its problems, but so

does anti-literalism. Once one is liberated from the task of fixing the meaning of words, one is free to write anything one wants. This is precisely the sort of looseness about language that turns people like Scalia into originalists.

"One prerequisite for democracy," Crapanzano writes in his conclusion, "is an openness to the position of the other." If so, then Crapanzano is no democrat. He ends his book with a reflection on the reaction of his students to his account of a recent visit to Germany. The dutiful professor tells them that in Europe, people have high wages, take long vacations, have generous unemployment insurance and good medical care benefits. (He does not tell them about Germany's extremely high unemployment rate, nor does he point out that young people who have not been in the labor market do not get the generous unemployment insurance.) Students in the class, if they are interested at all, respond by blaming themselves for the conditions of their lives, even though Crapanzano was using the example to stress the role that political and economic structures play in determining our life chances. And so, instead of listening to the insistence of his students that personal responsibility is a virtue worth appreciating, he finds himself terrified by what he calls their "passivism." They were not religious

*Jewels worthy of a czarina...*

## Faux Fabergé Egg Pendants

only \$39.95

*\*But read this ad for an even better deal!*

**C**zar Nicholas II kept master jeweler Carl Fabergé busy producing gorgeous jeweled eggs, to be worn around the necks of the czarina and the princesses. We have replicated these priceless jewels so as to be virtually indistinguishable from the fabled originals. Each Egg is heavily enameled, covered in 22-kt. gold-plated filigree, and adorned with Austrian Swarovski crystals, just about the closest thing to real diamonds. The Eggs come with 22-kt. gold-plated 24" chains, and are boxed in red-velvet/white-satin presentation cases.

We are one of the few select distributors of these beautiful jewels in the United States and are therefore able to bring them to you at this extraordinary price. Order one red Egg for \$39.95 or the Set of all three stunning colors (red, green and purple) for only \$79.90! **But we have an even better deal: Buy two Sets (six Eggs) for \$159.80 and we will send you a third Set (another three Eggs - nine Eggs altogether) with our compliments - absolutely FREE!**

Get this stunningly beautiful jewelry for yourself or for the woman in your life. Order it today!

Order Code #1086F391 for one (Red) Faux Fabergé Egg (only \$39.95)  
Order Code #1087F391 for the Set of Three (Red, Green, Purple) Eggs (only \$79.90)

You may order by toll-free phone, by mail, or by fax and pay by check or Visa/MasterCard. Please give order code. Add \$4.95 for ship./ins. and sales tax for CA delivery. You have 30-day refund and one-year warranty. We do not refund postage. For customer service or wholesale information, please call (415) 643-2810.

since 1967  
**haverhills®**  
2360 Third St., San Francisco, CA 94107

© Order by toll-free phone: (800) 797-7367 or by (fastest!) fax: (415) 643-2818 ©

like the fundamentalists that he studied, but, like them, "there was something lonely and grim about their vision of the world."

Vincent Crapanzano's self-righteous sense of his own superiority—and his conviction that others exist only to be criticized or pitied—makes one long for the naïve, didactic, sloppy, and inaccurate anthropology of Margaret Mead. One

reads anthropology, after all, to be reminded of the possibility of wonder that exists in the human world. Indeed, humanism is written into anthropology's very name. But this book, far grimmer than anything said by its author's subjects, closes its readers off from experience in ways that are eerily similar to the literalists with whom it is so self-righteously concerned. ■

has let it be the title of a book that properly addresses itself to the facts, and emphatically not to "the amber hue of myth."

THESE ARE THE facts concerning the phrase "print the legend." In 1962, as he neared seventy, Ford made *The Man Who Shot Liberty Valance*. The flourish of the title was undercut by the severity of the production: the film was in black and white; it had few landscape or location shots; the actors seemed elderly. The film was hampered and deromanticized by James Stewart (already past fifty) being cast as the young Ransom Stoddard, a would-be lawyer who helps to pacify the Wild West. Still, Ford told John Wayne (as a way of encouraging his participation) that it was a great script.

The story emerges in flashback, as Senator Stoddard and his wife return to Shinbone for a pauper's funeral. It is their old friend, Tom Doniphon (Wayne), who is to be buried. The flashback reveals how Shinbone once was a dangerous frontier town where Stoddard ran afoul of the local bully and outlaw Liberty Valance (Lee Marvin). There was a showdown, and Stoddard—a dunce with a gun—apparently shot and killed Valance in the way that such things are supposed to happen in Westerns. But we and Stoddard now learn that Doniphon, from the shadows, fired the shot that killed the bad guy, to save Stoddard. What's more, the future senator's wife, Hallie (Vera Miles), always loved Doniphon.

So the truth is set free. Stoddard is humbled (for he has become a pompous politico). A newspaper editor has heard the real story, too. He has his scoop, but he says that he will not print the revelation: "No sir! This is the West, sir. When the legend becomes fact, print the legend." There is a sense of irony, and autumnal awakening, in the closure of this sad film. Stoddard has been vulgarized by his political career, but the sentiment of the picture feels bound to protect his false reputation. The developing nation is regarded as "needing" falsehood. Eyman gives this account of how the film ends, with personal contrition smothered by the nation's cause:

Shinbone has not only survived, it has thrived, as has Ransom Stoddard, and it has all been based on a lie. Just as Ransome has pretended to be the man who shot Liberty Valance, Hallie has pretended to love her husband more than she loves Tom Doniphon. Each has paid a price we can only imagine. As the train carrying the Stoddards back to Washington recedes across a landscape, Ford's bleakest film ends with a poignant, mournful dying fall.

# How False Was My Valley

By DAVID THOMSON

## Print the Legend: The Life and Times of John Ford by Scott Eyman

(Simon & Schuster, 656 pp., \$40)

IF YOU REMEMBER who Will Rogers was, and what he represented, then never forget how John Ford seemed to find himself in the two films that he made with the Oklahoma storyteller who held America in the palm of his rough hand. Those pictures were *Judge Priest* (1934) and *Steamboat 'Round the Bend* (1935)—local, wry, modest, but still a way of addressing the nation without strain or undue airs of monarchy. Rogers died in a plane crash in 1935, when he was fifty-five. Had he lived another ten years, we might link John Ford to Will Rogers as easily as we link him to John Wayne.

For Ford shared something with Will Rogers, and also with Ronald Reagan: a shy confidence that could pass off an anecdote and let it reverberate like a campaign warning. It was folksy and religious, if you don't like it, but it had an assurance that owed much to the raw power and the cultural position of movies in the 1930s. And Ford had a similar habit of contrasting modern efforts with a halloved and maybe mythic past. He was like a coach goading a team. "That'll be the day!" Wayne growls, throughout *The Searchers*, one of Ford's greatest, darkest, and most brooding works, as if to say that America, the best of the country, may be lost already. But then in the close of that film, it is Wayne who is shut out of the house, handed back to the desert that suits him, and reassessed as too savage for the

new, "progressive" country. If only John Ford had made just that one film, then his place would be secure.

With Ford, there was always a kind of epic simplicity, as rock-like and picturesque as the mesas in Monument Valley—a claim on "American-ness" that actually demanded as close a scrutiny as, say, Reagan's "recollection" of how he had liberated a concentration camp. Ford lied a good deal in life, to feel bigger and better; and he used fraud the same way in his films, with America the alleged beneficiary. So be wary of the rhetoric or the romance in Ford. And be wary with Scott Eyman's book, beginning with the front cover.

There is a photograph of John Ford (from the late '30s, I'd guess), coyly but very nicely placed so that he is peering round the corner of the spine onto the front of the book. He has a pipe as long as a six-gun in his pursed mouth, and he is in the act of striking a match for it. His cold, watchful eyes show behind his round spectacles. He wears a slouch hat and a soft jacket (it might be Irish tweed), and he is lit like a great lover or a smooth villain. Not that his face supports either role: he looks a little mean, supercilious, like a tyrant child. On the white wall behind him, someone has placed the large shadow of a head—not Ford's head—looking into the eyepiece of a movie camera. And there is the title: *Print the Legend*. Now, "print the legend" may be a striking phrase, or order; and there may be one person in a hundred in this land who recognizes its Fordian origin. But for the life of me, I cannot understand why Eyman

DAVID THOMSON is the author most recently of *In Nevada: The Land, the People, God, and Chance* (Knopf).

The confident obfuscation in *The Man Who Shot Liberty Valance*, the warping in legend, was not unique to that film. Fifteen years earlier, in *Fort Apache*, there had been another cover-up. In 1947, Ford had made this, the first of his cavalry films. It is set in 1876. A new commanding officer comes to Fort Apache: Lieutenant Colonel Owen Thursday (Henry Fonda), a martinet and a military historian. He is in marked contrast with Captain Kirby York (John Wayne), an officer who knows the Apache and believes that they can be reasoned with. The willful and ambitious Thursday leads his men in a stupid attack on the Apache. It results in a slaughter that ought to remind us that 1876 was the year of Custer's dramatic defeat at the hands of the Sioux and the Cheyenne.

After the disaster, York is seen with some politicians, observing a painting of Thursday's last stand. One politician says of the lost leader, "He's become a legend already. He's the hero of every schoolboy in America." Then there is talk of how leaders are remembered, while lesser names are forgotten, and the film ends with Wayne by a window, on which we see passing the dead soldiers, to the tune of the "The Battle Hymn of the Republic." He says:

They aren't forgotten, because they haven't died. They're living, right out there... And they'll keep on living, as long as the regiment lives. The pay is thirteen dollars a month, their diet beans and hay—they'll eat horsemeat before this campaign is over—fight over cards or rotgut whiskey, but share the last drop in their canteens. The faces may change, and the names, but they're there, they're the regiment, the regular army, now and fifty years from now. They're better men than they used to be. Thursday did that. He made it a command to be proud of.

Fifty years later, I must state clearly my opinion that the whole speech is claptrap, the worst of Ford, in which the actual complexity of actions and motives in the cavalry (including its stupidity, its racism,

and its urge to exploit the land) is draped in the bunting of militaristic patriotism. This is precisely the legend-making that can conceal or overlook the ghastly arrogance of leaders from Haig (on the Somme) to MacArthur (in Korea). Any nation prepared to excuse or ennoble such leaders is trying to rewrite history as a way of making a chauvinism out of ignorance. Custer died, his men died with him, because of his vainglory and his overconfidence, as he pursued nations betrayed by treaty and compelled to abandon their reservations for survival.

because the most important thing is that the greatest good happens for the greatest number of people."

Does this imply that his own book about Ford repeats lies and myths so that "Americana" may be untroubled in its rejoicing over a good storyteller? Of course not. Instead Eyman hopes that he has honored the "known facts" while celebrating the mythic achievement. But he should not have let his book ride under this title, for the bravado about ignoring truth is too obscene, too dangerous, to be borne. If we cannot dare to describe the

true John Ford now, almost thirty years after his death, and fifty years after his heyday, what chance is there that the United States will be able to resist the last great charge on chaos itself, with all those rosy lies about this being always the wisest and the Godliest nation on earth? We should let innocent paper stay void rather than despoil it with the legend of blue-clad knights riding into magic hour to make the West safe for shopping malls.

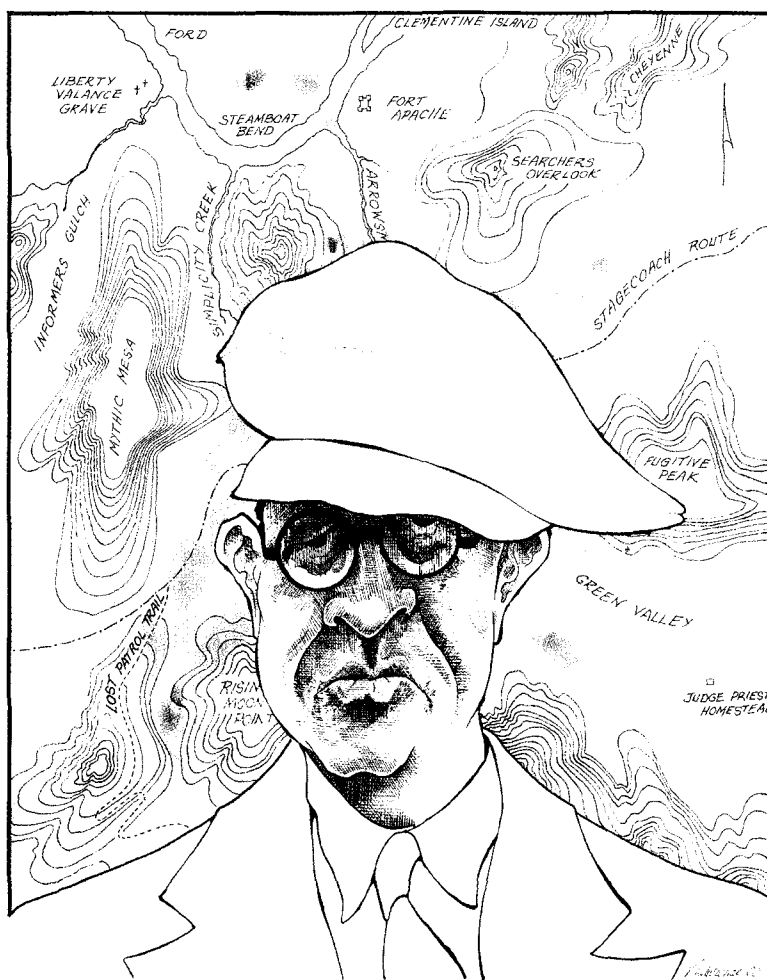
When it comes to recounting the life of John Martin Feeney, and of how that man became John Ford, the heroic impulse meets heavy going. In his prologue, Eyman admits to the bad temper, the chilliness, and the pickled warts that his subject has to offer. He tells us not to be misled by such things:

To be a serious artist is to have a single-minded mania for control, the precise quality that makes it

extremely difficult to be a loving husband and father. To spend hundreds of pages simply documenting every instance of ill temper or alcoholic outburst strikes me as pointless as writing about fish and reporting with outrage that they are cold and wet.

Any artist who arouses clean, uncomplicated feelings will almost certainly turn out to be unworthy of serious attention. Human beings are not clean and uncomplicated, and John Ford was a very human being.

That is well said, and it promises the best thing about Eyman's book—a lengthy,



John Ford by Vint Lawrence for The New Republic

Peter Bogdanovich, a warm admirer, asked Ford: "The end of *Fort Apache* anticipates the newspaper editor's line in *Liberty Valance*, 'When the legend becomes a fact, print the legend.' Do you agree with that?" Ford replied: "Yes—because I think it's good for the country. We've had a lot of people who were supposed to be great heroes, and you know damn well they weren't. But it's good for the country to have heroes to look up to. Like Custer—a great man. Well, he wasn't. Not that he was a stupid man, but he did a stupid job that day." Eyman turns unusually vague at this point. "Ford says that the lies are necessary, that the lies are all right,

thorough, and fond study of the outlines of a life curiously rich in the conflict between fierce reticence and brazen showing-off. Such a conflict may not be vital to being an artist, but it certainly describes many American film directors. Of course, Eyman has already concluded for the purposes of legend that being a director is the same as being an artist—which is rather like saying that Custer or Wyatt Earp were figures of such resonance that their actions may be excused and reshaped by their stature.

Eyman has been given the support of the Ford estate, including the son Pat, who was disinherited by his father's will. The family has let Eyman into the Ford papers in the Lilly Library at Indiana University, just as they have admitted previous researchers. And there are also the usual suspects, the extended family of people who worked with Ford on and off over the years. Eyman has tracked down the living and found interviews with the dead. He has done a careful job in assembling and weighing his material. Still, he is compelled to rerun a lot of the stories and material used in earlier books on Ford, most notably Tag Gallagher's *John Ford: The Man and His Films*, which appeared in 1984. Gallagher is more Fordian than Eyman is: he has a passionate feeling for the man that draws him into intense ruminations over some of the films. This leaves Eyman with more space for the life; but Gallagher is more interesting on the topic that Eyman declares most important—the films, the art.

John Ford was born John Martin Feeney on February 1, 1894, in Cape Elizabeth, Maine, the tenth of eleven children. But he liked to say it had been 1895, in various romantic Irish settings, and that the name was Sean Aloysius O'Fearna. Those who rejoice in Ford's Americanness need to be reminded of his strenuous claims on Irishness, if only to keep up his status as a conscientious, contrary outsider in America. The same attitude ensured the untroubled sway in his mind of a view of Ireland so stereotyped and hokey that there are modern Irish who flinch from the mere mention of his film *The Quiet Man* (1952), and its impediment to social and economic progress in that land. This is an Ireland of hideous cliché and backwardness. A film made about America with the same crushing affection might have smashed Ford's image years ago.

John, or Jack, was a healthy kid—apart from diphtheria at age twelve—growing

## Preamble

Almost, the body as  
half-remembered, before trespass,  
had left memory—

*was there ever the sound  
trains make? was there,  
pausing,*

*an owl, too?*  
A belief in prayer  
was no longer the same as believing

prayer could make what did not happen  
from what happened. Just then,  
the light fell

like compromise, like  
the passing up of gold for  
instead silver

upon the basil that,  
let go,  
had gone to flower: small, white, and

—stitch-like—  
the cabbage-moths tilting  
misnomered

into, settling  
on. It was all  
but accomplished,

the seasonal arcing towards failure.  
How long, again,  
would be winter—

the trees leafless as  
spent soldiers  
who, whether they could or couldn't

imagine spring, in time  
would rally: each  
hoisting—green, temporal—his shield—

Carl Phillips

up in Portland, Maine. He played football and was called "Bull" by the team. His father ran a saloon, and it was a world of story-telling in which John was famous for his ability to improve and to embellish an anecdote. The son also lied a good deal when he reckoned he was safe—such as, in later years, saying he had entered the University of Maine. He hadn't. Instead, in 1914, he followed his older brother Francis to Hollywood. It was Francis who had taken the name "Ford," as he enjoyed a few years' success as actor and director in the great throng of adventure and Western serials. Jack followed suit, begin-

ning as an actor, and then, for decades, he kept his boozy brother around as a small-part player. He said he was a hooded Klansman in Griffith's *Birth of a Nation*. Very likely. But acting was not his strength, so he began to write and to direct.

Few of those early pictures have survived. But Ford was more than proficient. He wanted to master and to extend the language of film. He had a fine, if faintly academic, eye. He liked to lead the viewer's eye by means of framing devices: trees, doorways, arches. He trusted the camera and he trusted good acting, and he was happier moving people than moving the camera. He liked long takes, rough humor, and something like grace notes—small intimate asides amid the action.

But he had come up a hard way. Later in life, he was inclined to introduce himself as "I'm John Ford, I make Westerns" (as in 1950, when he opposed the attempt to impose a loyalty oath on the Directors' Guild and defeated Cecil B. DeMille and the anti-Communists). Did he mean that Westerns were something of which to be proud, or a genre scorned by many in the business? Westerns were certainly an inferior form in the 1930s, apart from a few epic productions. I think that some commentators have missed the chip on Ford's shoulder, along with his feeling that the Western was a means of telling common stories about an idealized proletariat.

It was in the 1930s that Ford came into his own as an outstanding Hollywood professional. The range of material was impressive. *Arrow-smith* (1931) was an adaptation of Sinclair Lewis. *The Lost Patrol* (1934) was an exciting story of British troops fighting Arabs in the desert. *Judge Priest* and *Steamboat 'Round the Bend*, the Will Rogers vehicles, are examples of rural common sense. *The Informer* (1935), adapted from Liam O'Flaherty, was nominated for Best

Picture, just as it won Oscars for Ford as best director and for Victor McLaglen as best actor. It seems dreadfully overdone now, crawling with stage Irishness, a very mannered arty look, and a McLaglen so maudlin that one wants to stifle him. But Hollywood believed that it was the real thing, and Ford felt confirmed in his emotional attachment to the old country.

In the years that followed, he did *Mary of Scotland* with Katharine Hepburn—a box-office failure, but an epic melodrama that attests to the deep impression she had made on him. Ford had married Mary McBryde Smith in 1920. They had chil-

dren. But Mary seldom figures in this story as more than a duty. Hepburn was plainly the greatest threat that the marriage faced, but Eyman actually disproves his own blurb by declining to say whether they were lovers, or whether Ford did the Fordian thing: deny himself and then nurse the longing and the grievance for years afterwards. There was that kind of bitter Catholicism in his makeup; it was sauce to his alcoholism and the steady self-loathing because of it. If only he had acted like a man! (That'll be the day.)

**S**TAGECOACH (1939) BROUGHT dignity to the Western and lifted John Wayne out of ten years in B movies. *Young Mr. Lincoln* (1939) cast Henry Fonda as the country lawyer who begins to see his destiny—and to hear the “The Battle Hymn of the Republic”—and it comes close to the Will Rogers pictures in its faith in folk wisdom. *The Grapes of Wrath* (1940) was maybe the boldest piece of social criticism made by a Hollywood studio in the era of Depression. *The Long Voyage Home* (1940), from Eugene O'Neill, was photographed by Gregg Toland with a lustrous deep focus that looks like a rehearsal for *Citizen Kane*. (Orson Welles was a big Ford admirer: he claimed that he learned movie grammar from studying *Stagecoach*.)

*How Green Was My Valley* (1941), which turns a Welsh mining village into an Irish dream of loss, won best picture in the year of *Citizen Kane*. Ford had also been nominated for *Stagecoach*, and he won his second and third directing Oscars for *The Grapes of Wrath* and *How Green Was My Valley*. That was three Oscars and one nomination in seven years, and those were arguably the best seven years in American film. So do not doubt the eminence that Ford had achieved, or his habit of staying disagreeable and truculent through it all.

There is no shame if some of these pictures have dated. *How Green Was My Valley* is sentimental, prettified, and couched in a kind of self-pity in which goodness is like a malady. *The Long Voyage Home* is so self-consciously arty that it helps to define the extra narrative intelligence with which Welles inspired Gregg Toland. With Ford, deep focus is an instrument of the picturesque. For Welles, it was the instrument of monomania. But *Stagecoach* is full of boyish verve, and the old frontier mistrust of “civilization.” It has the germ of Peckinpah’s violent poetry of thirty years later, the notion that “improvement” is the surest killer in the West. It was also the first instance of Ford using Monument Valley, in southeastern Utah, as his all-purpose backdrop. As for *The Grapes of Wrath*, it is testament to how daring a

studio executive (Darryl F. Zanuck) could be, and also how hopelessly tidy in his wish to offer an upbeat ending. Henry Fonda makes a fine Tom Joad, not far from an outlaw himself; but in the supporting roles nothing can hide or dilute Ford’s condescension towards the poor and “the people.” And *Young Mr. Lincoln* is a portrait of loftiness and self-denial—of duty turning a man away from ordinariness—that makes it a fascinating avenue of access into Ford’s imagination.

**W**HEN THE WAR came, Ford jumped at it. He was made chief of the Field Photography Branch of the O.S.S. As a member of the Naval Reserve, he was turned into a kind of captain—and even rear admiral, when he made a documentary on the Korean War. Again, though the material is not fresh, Eyman gives a very good account of Ford’s war years and of the way “Pappy” cheerfully formed his own unit, with its own rules and its own hunt for medals, as a holiday away from wives and children. Ford was present at the attack on Midway and he made a fine documentary on the battle, distinguished by his courage under fire.

Some moviemakers, such as William Wyler and George Stevens, were drained but matured by war; but Ford may have been inflated by it. The anti-authoritarian edge of *The Grapes of Wrath* gave way to a belief in the military code and the sacrificial comradeship of men under orders. In later years, Ford made films about the U.S. cavalry or the armed services that are close to distasteful—not just the cavalry films and their insistent trust in the wisdom of soldiers, but also *The Long Gray Line*, a hymn to West Point, and *Vietnam! Vietnam!*, a documentary made in 1971 that was so hawkish that the government itself drew little attention to it.

Again, there is nothing uncommon in a young liberal growing harsher or less open with the years. The Vietnam documentary was something that Ford only supervised: he was over 75 at the time. Still, as Eyman warned in his prologue, there was hardly ever a young or attractive man. Long before his wartime adventure, Ford encouraged his own gang or clique—a band of boisterous boys, sailing away on his yacht, the *Araner*, boozing, boasting, and hazing novices.

In photographs, Ford hardly ever smiled. Long before his due time, he looked snarly and bilious, forever chewing on the security blanket of a dirty white handkerchief. A Ford legend has him responding to an intrusive producer, and the worry that he was behind schedule, by ripping out a chunk of script pages and saying, “There, we’re back on again.”

**Unabridged Audiobooks**

SECRETS, PLOTS & HIDDEN AGENDAS  
NIXON IN WINTER  
HISTORIES

Over 1,500 Titles  
Available for Purchase or Rental by Mail  
for a free catalogue, write or call:  
Dept. NE • P.O. Box 969 • Ashland, Oregon 97520  
**1-800-729-2665**  
<http://www.blackstoneaudio.com>  
**BLACKSTONE AUDIOBOOKS**  
Unabridged Recordings of Great Books

**“BILLYBAR SOAPS”**

“After Bill Leaves... Let’s Wash Up!!!”

Look for Hillary in here too!  
[www.billybars.com](http://www.billybars.com)

**NEW AUTHORS**

**PUBLISH YOUR WORK**  
ALL SUBJECTS CONSIDERED  
WRITE, OR SEND YOUR MANUSCRIPT TO:  
**MINERVA PUBLISHING CO.**  
1001 BRICKELL BAY DR., # 2310, MIAMI, FL 33131

IMAGINE YOURSELF  
IMMORTALIZED IN THE POP  
ART STYLE OF THE  
60'S & 70'S...  
[www.wsservice.com/neo60](http://www.wsservice.com/neo60)  
(630)953-2033  
Brilliantly colored acrylic  
& silkscreen on canvas

**Neo 60 Studios**

## CONSIDER THIS:

84% of TNR readers plan to travel in the next 12 months  
91% of TNR readers dine out  
92% of TNR readers purchased books in the past year  
85% of TNR readers contribute to worthy causes  
(Source: MRI 1999 Custom Subscriber Study)

**Advertise with  
The New Republic  
Small Space Program.**

Contact Shannel Myers at  
(212) 924-8700 for reservations  
and information.

Eyman can neither confirm nor deny this. But it was certainly consistent with the autocratic atmosphere that Ford encouraged, along with the notion that if you were new to his gang, or remotely pretentious, you would be bullied and tormented to the point of tears.

THE LONG RELATIONSHIP with John Wayne is worth examining. As Marion Morrison, not long out of U.S.C., Wayne got into pictures moving props for Ford. They took to each other. But it was another director, Raoul Walsh, who saw Morrison lifting heavy furniture and gave him a lead role in 1929 in the Western *The Big Trail*, for which the actor became John Wayne. Ford had recommended Wayne to Walsh, but when Wayne returned from Walsh's location, Ford cut him dead. That way of re-writing emotional history was also a part of Ford's scary reputation. The two men did not talk again until 1934. Even then, Ford declined to hire Wayne as an actor.

Then, several years later, as Ford took on *Stagecoach*, he had to cast the role of the Ringo Kid. Wayne was a natural for it. Ford invited him on the *Araner* and kept asking him which young actors would be good for the part. The baiting lasted all weekend until, as the yacht pulled into San Pedro harbor, Ford offered the part to Wayne. *Stagecoach* would be the first of a dozen films, a partnership in which Wayne's clout helped Ford's pictures get made. There was the utmost devotion on the actor's part. Wayne would never have played with people as Ford did. But without Ford's nasty example, Wayne might never have grasped Ethan Edwards in *The Searchers*.

Eyman sometimes seems more fixed on the riddle of Ford's psyche than on the depth of his movies. He works hard to establish an unusually inward or sensitive man who was afraid to show the "weaker" side of himself, a man who kept stridently macho company because he was wary of being thought "artistic" in the tough picture business of the 1930s. Katharine Hepburn once said that John Ford and Spencer Tracy were alike "in that they were ... devastated by the world." She thought that Ford's gruff manner was "tremendous self-protection; he's very over-sensitive," and she added that Ford's wife was "insensitive"—but "he probably is better off married to that type of woman than to some fascinating [sic] creature with whom he would have been very happy. Had he been happy, he would never have been the artist that he is..."

That may tell us more about Hepburn than it does about Ford. Ford and Tracy had two other traits in common: they were drawn to Hepburn, and they were alco-

holics. Still, it is possible that something in Ford warned him against disclosing the inner man, and I think that all his decades in Hollywood—no matter his success with money and awards—felt to him like a struggle to survive. Ford liked to act like a boor, the master of his set. But his boorishness is not proof that something finer lurked beneath, an inner poet nervous about having to talk to Darryl F. Zanuck.

IN FACT, THE occasions when the "poetry" dares show itself seem to me the most problematic in Ford's career. He could grow fatally sentimental over victims, women and children (in whom helplessness was all too often an ideal state), guilt, Ireland, comradeship, booze, and the enchantment of good photography. When he let that side loose he produced *The Informer*, *Mary of Scotland*, *The Plough and the Stars*, *The Long Voyage Home*, *The Fugitive*, *Three Godfathers*, *The Quiet Man*, *The Rising of the Moon*, *The Wings of Eagles*, *Cheyenne Autumn* and even—this choice will be heresy to some—*My Darling Clementine*.

*My Darling Clementine* (1946) is actually the Wyatt-Earp-in-Tombstone story. Or is it? All the notable commentaries on the film—from Lindsay Anderson to Joseph McBride and Michael Wilmington—stress its celebration of a frontier town creating decency and community on the edge of the desert. The sequence that is most often praised is the Sunday morning on which Wyatt escorts Miss Clementine Carter to the site of the church that is being built and she coaxes him onto the springy dance floor. I like the scene, too, for its space and light, its air of affability, and for the charming awkwardness with which Henry Fonda moves into the dance. Remember, too, how much the audience in 1946 treasured the re-establishment of domestic order.

But domesticity is surely not the favorite subject of American cinema. And this idyllic Sunday morning has feeble foundations. We don't know who these citizens are, or what they do. Clementine is a nonentity, the sweet good girl set in opposition to the ridiculously named Chihuahua, Linda Damell's doomed whore. Ford had little sense for more authentic or varied women, or for their role in making the new life. Moreover, the churchy society that he endorses in this film is the same sort of polity that in other films (the more robust *Stagecoach*, for instance) he regards as humbug and hypocritical. Tombstone is offered as a model community, but it bears little resemblance to the rowdy town that flourished in 1881. It is not so much legend that is being enshrined here as a cozy, hollow dream. And a dream is not always poetry.

The real Tombstone, in south-eastern Arizona, is a scrub desert settlement with around 1,000 people clinging to tourism and re-enactments of the shoot-out at the OK Corral. In 1881 the town was far larger (maybe 9,000 people) and greedy for silver. Wyatt Earp and his brothers had come along in that boom, not to serve as peace officers but to get in on the plunder. Ford's movie presents them as dark-suited paragons, tranquillizing the frontier. In fact, they had mine claims as well as saloon and gambling interests. They were competitors in the rackets of the place. And the famous showdown at the O.K. Corral was not a monumental victory for law and order. The Clantons (the infamous "enemy") had not murdered an Earp before the showdown (as the movie alleges), and so there was not even the excuse of vengeance. The gunfight was just one nasty event in a sequence of struggles for power, money, and women.

THAT IS THE honest factual outline of the story, (and it has been honored in such later films as *Hour of the Gun*, *Tombstone*, and the Kevin Costner *Wyatt Earp*). All of which may be a way of saying that historical fidelity means little in the eyes of Hollywood. What Arizona might now call "decency" or "order" came about as the result of fierce entrepreneurs and ambitious capitalists operating furiously in what is known as the marketplace. There are good stories there, not least the rise of the Goldwater family; but Hollywood ignores the complicated truth, preferring its glossy legend of good guys and bad guys. And it has hardly ever noted or rebuked Ford's relocation of Tombstone to Monument Valley, some 300 miles to the north.

All in all, *My Darling Clementine* has charm, not just in the Sunday dance but also in the daft fancy of Victor Mature as Doc Holliday; but I cannot see how it begins to qualify as poetry, let alone as history. Still, it is an important step in the progress by which this country has a largely erroneous idea of who and what Wyatt Earp was. Ford might have reckoned that the country needed his travesty. But I doubt if anyone ever needs lies, much less a country whose upholding of the law can have very mixed motives.

And the confusion goes on. Eyman knows enough to be wary with the "fanciful" *Clementine*, but he adds: "What Ford did get right, according to Allen Barra, Earp's biographer, was the temperament of the times and the men. 'He got the good guys right and he got the bad guys right,' said Barra." But Allen Barra is, at best, a legend-loyal historian. His book on Wyatt Earp has not exactly been acclaimed by historians. In a recent issue of the *Nevada*

*Historical Society Quarterly*, the Yale historian John Mack Faragher reviewed Barra's *Inventing Wyatt Earp* and noted his way of putting words in his hero's mouth that have no documentary basis: "Barra doesn't seem to understand the distinction between taking sides and making an analysis." Hollywood's West, and above all the West of John Ford, has played no small part in our failure to make that distinction, and so it has helped to turn our politics into a crude shouting match.

IS IT HUMORLESS, or irrelevant, to worry about the dangers of legend? After all, these are only movies, only entertainments; they are not works of art. If they pass our time easily, is it so important to note that they also warp our understanding of our past? Whenever such questions arise, I think of Ford's odd relations with Native Americans. In his time, he admitted, he slaughtered more Indians on screen than did all the cavalry commanders of history put together. He also cheerfully assigned the Apache and the Comanche to Monument Valley, the backdrop that was supposed to accommodate all tribes and anecdotes; but it is the Navajo who live there and regard the valley as sacred. Ford employed the Navajo as extras (dirt cheap) and as enemies in his stories, even when, as in *Fort Apache*,

he recognized the folly or the cruelty of the whites who opposed them.

But John Ford lived into the 1950s and 1960s, and there was enough of the inner man to be disturbed by how he had treated Indians, and also blacks. He made gestures of apology in *Sergeant Rutledge* and *Cheyenne Autumn*; but the one is wooden and the other is awful, with its Cheyenne played by Dolores Del Rio, Sal Mineo, Ricardo Montalban, and Gilbert Roland. True, it was only 1964, but still the crassness makes me shudder. Even so late in life, and even in a mood of reappraisal, Ford could not see the reality in history. Or he could not make a movie of it.

But then there is *The Searchers*. Ford was a major Hollywood filmmaker, but he was nowhere near a great American artist, and his career may illustrate the difficulty of the one becoming the other—until *The Searchers*. There are blindnesses in that picture, still. Scar, the Comanche chief who steals Natalie Wood away, is too strongly etched in the sexual and racial fear and loathing felt by Ethan, her uncle. He deserves character; just as Debbie, Wood's character, may have fallen in love with him. But as the years-long story roams over the West, and as Ethan at last finds his niece and forgives her for being an Indian bride and himself for being so archaic, so he returns her to her "home."

At last Ford does well by history, and by his awkward, urgent sense of self. Debbie goes into the white household, but Ethan is shut out by the closing door because he is not fit company. He is too solitary, too ugly, too much raised in savagery. And yet the eye that sees him at the last moment is gentle enough to see him windswept, natural—like the rock. The scene is genuine poetry. There is nothing else in Ford to match it.

We are left to wonder how much *The Searchers* meant to Ford. Did it move him more than the other films, or was it just the fortuitous convergence of a good story, and Wayne at his height, and Ford's sudden realization of finality and tragedy in the door's closing? And can young people today read the poetry in *The Searchers* through the thickets of convention (and through Natalie Wood's eye make-up)? Do they want to know, or has the language of the Western been shot to pieces for them? I would not bet that John Ford or any of his peers—Hawks, Lubitsch, Sturges, Capra—are going to last beyond their century. Movies flash bright and die early. They are hard to preserve, and harder to watch once the mood of their time has gone. Yet the cultural misunderstandings perpetrated by the movies, not least the legend of the West: they, alas, live on. ■

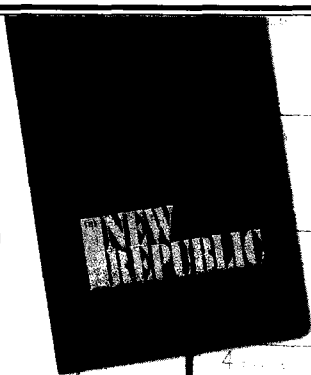
RING IN THE MILLENNIUM  
WITH SIMPLE ELEGANCE!

## *The New Republic 2000 Pocket Diary*

For years, we in the TNR office have been giving pocket diaries—embossed in gold with our name and logo—to our writers, editors, and special friends in the media. These diaries have been so popular that we thought our readers would also enjoy the opportunity to use them—or to give them as gifts.

The diaries, made in Italy, allow you to view the entire week at once, with space for appointments each day, and also include a section for frequently used telephone numbers, a nationwide area code and time zone guide, and metric conversion tables. The black cover binds crisp white pages edged in gilt and carries a silken page-marker.

This elegant and easy-to-use diary can be yours for just \$10.95, including postage. But don't hesitate—these diaries are available for a limited time only, **while supplies last!**



**Price  
reduced!  
Now only  
\$10.95!**

**YES!** Please send me THE NEW REPUBLIC 2000  
Pocket Diary immediately, at \$10.95 each.

Quantity: \_\_\_\_\_ Total enclosed: \$ \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

Send to: Pocket Diary, The New Republic,  
1220 19th Street NW, Washington, D.C. 20036  
Check or money order must accompany each order.  
(Please allow 2-4 weeks for delivery.)

# WASHINGTON DIARIST

## Personal Quote

**I**S THERE ANYONE IN THIS administration as unsettling as “drug czar” Barry McCaffrey? *Salon* magazine revealed last week that the federal government has been secretly doing financial favors for the TV networks in return for the insertion of anti-drug messages into their programming. According to *Salon*, the feds promised to let the networks sell their mandated anti-drug public-advocacy spots to commercial advertisers if they pushed government anti-drug messages in the story lines of their shows instead. I waited in vain for the usual suspects to voice outrage, for mass resignations from TV companies in Hollywood and New York, but there was barely a squeak. *The New York Times* belatedly protested last Tuesday but merely raised the “possibility . . . of state-sponsored propaganda.” Possibility?

THE WHITE HOUSE STILL WON’T SAY which shows were affected. McCaffrey himself denied there was any quid pro quo but then claimed credit for the program’s reduction in teenage drug use. So let’s get this straight: When the government openly decides not to fund an objectionable art exhibit, it’s brutal censorship. But when it secretly colludes with the networks to turn regular programming into government brainwashing, it’s a defensible part of the war on drugs. McCaffrey’s seeming immunity from criticism is nothing new, of course. It’s just another baleful example of Bill Clinton’s personal weaknesses wrecking public policy havoc. Because the president can’t bring himself to be honest about his own past inhalations, the rest of us have to put up with an authoritarian fanatic in the White House’s drug office in order to neutralize the social right. God help us, I suppose, if George W. gets elected.

I WAS GLAD TO SEE THAT, IN HIS recent ESPN interview, Atlanta Braves pitcher John Rocker proudly refused to spurn the epithet “redneck.” He’s a little too good-looking for the part, but we shouldn’t quibble with details. Rocker, in

his contrite interview, encapsulated for me a problem I have long had with people best described as “nice bigots.” Rocker seems like a congenial good old boy in the making, but one with a propensity to say really stupid things. He’s a bigot, but in all likelihood not an inherently bad person. I don’t think Rocker harbors any conscious, premeditated hatred of blacks or, as he nicely put it, “queers with AIDS.” He’s just an insular character mouthing off about people he doesn’t know much about and feels slightly threatened by. There’s a distinction, I think, between that kind of mouthing off and real malevolence. Part of the problem with our culture right now is our inability to admit the difference. We have to make Rocker evil, or mentally ill, or a symbol of some broader social problem, when he is simply a dumb redneck jock set up by *Sports Illustrated*. And I mean that in the nicest possible way.

AMONG OTHER NONEVENTS, THE BRITS ended their ban on gays in the military earlier this month. So far, there are no signs that the defense of the realm has crumbled, that “unit cohesion” has collapsed, or that the Royal Air Force can’t get off the ground. No signs either of panicked heterosexual soldiers afraid to pick up the soap in the showers or losing sleep for fear of being ogled by their bunkmates in the wee hours. Mandated by a ruling from the European Court, the move didn’t even make the front page of some papers. The Brits replaced their gay ban with a code of conduct that prohibits inappropriate or disruptive sexual behavior, whether committed by straights or by gays. One senior British officer told the Tory *Daily Telegraph* that the new code was the “least bad solution to a difficult problem. . . . Given the right leadership and good training there is no reason why this cannot be made to work well.” Hear that, Colin Powell?

IN CANADA, SINCE THEY LIFTED THEIR ban, the presence of openly gay service members has been equally bathetic. It seems to me that this is a pretty good indication of what will happen here, if a Democrat wins the White House. And it follows a more general rule about the politics of homosexuality: the ratio of advance hysteria to actual social change is as out of whack as most NASDAQ valuations. Same-sex marriage? The social impact on the wider world will almost certainly be minimal. Although gay culture will likely evolve for the better, for most heterosexuals the change will be news for about five minutes. Just look at the numbers. If you put the gay population at around three percent and assume that marriage rates among gays will be slightly lower than among straights, then one wedding in 100 is likely

to be a gay one. “The End of Marriage?” as the *The Weekly Standard* recently hyperventilated? About as likely as the end of the Royal Army.

WITH HIS USUAL ACUITY, BARRY Diller introduced me to America Online back in 1994. With my usual acuity, I didn’t buy shares. But I’ve been hooked ever since. In the mid-’90s, when I first signed on, you tended to chat solely with nerds. But in the last couple of years, as the service has exploded, I’ve found two medium-term boyfriends, answered more mail than I ever did before, and talked to countless people in complete confidence about things that are best left to the imagination of Robert Bork.

BUT MY GUILTY PLEASURE IS READING the AOL member profiles each screen-name user is invited to pen. For some inspired reason, AOL not only gives users an opportunity to tell the world how old they are, what type of computer they use, and so on, but it also prompts them to concoct a “Personal Quote” imparting their entire philosophy of life. These range from *Conversations with God* outtakes to Lauryn Hill or Dolly Parton lyrics, but their common theme is a Lomanesque e-loneliness combined with really bad spelling. Surfing the profiles is like strolling through our communal spiritual id. You find yourself asking what intricate story lies behind the following cri de coeur: “I fall down only to ly and glaze at the stars. I stand tall only to not let my pride destroyed.” Or how much indignity has prompted “THE SECRET OF LIFE: It ain’t fair and there is no secret, you only get on time around, except a select few, so spend your money on the frivoulis things and pay atention to the little things because they are what adds up to the big picture.” Then there are the sly ones: “Do unto others as you would to be done by”; “I enjoy all the meats of our cultural stew.” And the earnestly mangled ones: “Dont judge a man from his outward being or colour content but from the character he posses.” And the honest ones: “I am also curious about wearing lingerie.” And the clearly stoned ones: “I glazed through the wilderness, lost myself in the myst of the trees, chirping birds, fresh clean air. I wonder where am I, how did i get lost in this scenery of pure nature. I realize that what you want out of life is what your surroundings will be.” And then there are the quotes that leave you blinking back at the pixels with a slight catch in your throat: “Will my heart go on and on? Who can answer that for me?” And can you buy a cure for that on eBay?

ANDREW SULLIVAN

# GEICO Auto Insurance.

Like an air bag  
for your wallet.

One 15-minute call could  
save you 15% or more on car  
insurance.

1-800-947-AUTO

**GEICO**  
**DIRECT**



LICENSED TO UNZ.ORG  
ELECTRONIC REPRODUCTION PROHIBITED